

# **EXHIBIT F**

**BERGER & MONTAGUE, P.C.**

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### **THE FIRM:**

Berger & Montague has been engaged in the practice of complex and class action litigation from its Center City Philadelphia office for over 35 years. The firm has been recognized by courts throughout the country for its ability and experience in handling major complex litigation, particularly in the fields of securities, antitrust, mass torts, and civil and human rights. In numerous precedent-setting cases, the Berger firm has played a principal or lead role. The firm has achieved the highest possible rating by its peers and opponents as reported in Martindale-Hubbell. Currently, the firm consists of 66 lawyers, approximately half of whom are engaged full-time in securities litigation; 18 paralegals; several professional investigators; and an experienced support staff.

Berger & Montague was founded in 1970 by David Berger to concentrate on the representation of plaintiffs in a series of antitrust class actions. David Berger pioneered the use of class actions in antitrust litigation and was instrumental in extending the use of the class action procedure to other litigation areas, including securities, employment discrimination, civil and human rights, and mass torts. The firm's complement of nationally recognized lawyers has represented both plaintiffs and defendants in these and other areas, and has recovered billions of dollars for its clients. In complex litigation, particularly in areas of class action litigation, Berger & Montague has established new law and forged the path for recovery for victims of fraud and other wrongdoing.

The firm has been involved in a series of notable cases, some of them among the most important in the last 35 years of civil litigation. For example, the firm was one of the principal counsel for plaintiffs in the Drexel Burnham Lambert/Michael Milken securities and bankruptcy litigation. Claimants in these cases recovered approximately \$2 billion in the aftermath of the collapse of the junk bond market and the bankruptcy of Drexel in the late 1980's. The firm was also among the principal counsel engaged in the trial of the Exxon Valdez Oil Spill in Anchorage, Alaska, a trial resulting in a record punitive damages award of \$5 billion against Exxon. Berger & Montague was lead counsel in the School Asbestos Litigation, in which a national class of secondary and elementary schools recovered in excess of \$300 million to defray the costs of asbestos abatement. The case was the first mass tort property damage class action certified on a national basis.

In the area of securities litigation, the firm has represented public institutional investors - such as the retirement funds for the States of Pennsylvania, Connecticut, New Hampshire, New Jersey and Louisiana, as well as the City of Philadelphia and numerous individual investors and private institutional investors. The firm was co-lead counsel in the Melridge Securities Litigation in the Federal District Court in Oregon, in which an \$88.2 million jury verdict was obtained. Berger and Montague has served as lead counsel in numerous other major class action cases, including those against Waste Management (settlement for investors of \$220 million) and Rite Aid (settlements totalling \$334 million), to name only two of the most notable successes.

In addition to its distinction in securities litigation, the firm has served as lead or co-lead counsel on many of the most significant civil antitrust cases over the last 30 years, including *In re Corrugated Container Antitrust Litigation* (recovery in excess of \$366 million), the *Infant Formula* case (recovery of \$125 million), and the *Retail Drug price fixing* case (settlement of more than \$700 million). More recently, the firm, through its membership on the litigation Executive Committee, helped to achieve a \$1.25 billion settlement with the largest Swiss banks on behalf of victims of Nazi aggression whose deposits were not returned after the Second World War. The firm has also played an instrumental role in bringing about a \$4.37 billion settlement with German industry and government for the use of slave and forced labor during the Holocaust.

The *National Law Journal* in October, 2005 selected Berger & Montague as one of the 12 top plaintiffs' litigation firms in the U.S. based on its most recent performance and its track record of successes in the last 3-to-5 year period.

## **PROMINENT JUDGMENTS AND SETTLEMENTS**

The success of Berger & Montague in prosecuting class actions and other complex litigation is best demonstrated by the firm's significant results for its clients. The following is a partial list of some of the more notable judgments and settlements from the past few years:

### **Securities Litigation**

***In re Cigna Corp. Securities Litigation:*** The firm, as co-lead counsel, obtained a settlement of \$93 million for the benefit of the class. (Master File No. 2:02-CV-8088 (E.D.Pa.)).

***In re Fleming Companies, Inc. Securities Litigation:*** The firm, as lead counsel, obtained a class settlement of \$94 million for the benefit of the class. (Civil Action No. 5-03-MD-1530 (TJW) (E.D.Tex.)).

***In re Xcel Energy Inc. Securities, Derivative & "ERISA" Litigation:*** The firm, as co-lead counsel in the Securities Actions, obtained a cash settlement of \$80 million on behalf of investors against Xcel Energy and certain of its officers and directors in 2005. (Civil Action No. 02-2677 (DSD/FLN) (D.Minn.)).

***In re Campbell Soup Co. Securities Litigation:*** The firm, as co-lead counsel, obtained a settlement of \$35 million for the benefit of the class. (Civil Action No. 00 152 (JED) (D.N.J.)).

***In re Premiere Technologies, Inc. Securities Litigation:*** The firm, as co-lead counsel, obtained a class settlement of over \$20 million in combination of cash and common stock. (Civil Action No.1:98-CV-1804-JOF (N.D.Ga.)).

***In re: PSINet, Inc., Securities Litigation:*** The firm, as co-lead counsel, obtained a settlement of \$17.83 million on behalf of investors. (Civ. No. 00-1850-A (E.D.Va.)).

***In re Safety Kleen Corp. Securities Litigation :*** The firm, as co-lead counsel, obtained a class settlement in the amount of \$45 million against Safety-Kleen's outside accounting firm and certain of the Company's officers and directors. The final settlement was obtained 2 business days before the trial was to commence. (C.A. No. 3:00-CV-736-17 (D.S.C.)).

***Emil Rossdeutscher and Dennis Kelly v. Viacom:*** The firm, as lead counsel, obtained a settlement resulting in a fund of \$14.25 million for the class (C.A. No. 98C-03-091 (JEB) (Sup. Ct. Del.)).

***Silver v. UICI:*** The firm, as co-lead counsel, obtained a settlement resulting in a fund of \$16 million for the class. (No. 3:99 CV 2860-L (N.D. Tex.)).

***In re Alcatel Alsthom Securities Litigation:*** In 2001, the firm, as co-lead counsel, obtained a class settlement for investors of \$75 million cash. (MDL Docket No. 1263 (PNB)).

***In re Rite Aid Corp.. Securities Litigation:*** The firm, as co-lead counsel, has obtained settlements totalling \$334 million against Rite Aid's outside accounting firm and certain of the company's former officers (99 CV 1349 (E.D. Pa. 2001)).

***In re Sunbeam Inc. Securities Litigation:*** As co-lead counsel, the firm obtained a settlement on behalf of investors of \$141 million in the action against Sunbeam's outside accounting firm and Sunbeam's officers. (98 CV 8258 (S.D. Fla. 2001)).

***In re Waste Management, Inc. Securities Litigation:*** In 1999, the firm, as co-lead counsel, obtained a class settlement for investors of \$220 million cash which included a settlement against Waste Management's outside accountants. (97CV 7709 (N.D. Il. 2000)).

***In re IKON Office Solutions Inc. Securities Litigation:*** The firm, serving as both co-lead and liaison counsel, obtained a cash settlement of \$111 million in an action on behalf of investors against IKON and certain of its officers in 2000. (MDL Dkt. No. 1318 (E.D. Pa. 2000)).

***In re Melridge Securities Litigation:*** The firm served as lead counsel and co-trial counsel for a class of purchasers of Melridge common stock and convertible debentures. A four-month jury trial yielded a verdict in plaintiffs' favor for \$88.2 million, and judgment was entered on RICO claims against certain defendants for \$239 million. The court approved settlements totaling \$55.4 million. (CV-87-1426FR (D. Or. 1998)).

***Walco Investments, Inc. et al. v. Kenneth Thenen, et al. (Premium Sales):*** The firm, as a member of the Plaintiffs' Steering Committee, obtained settlements of \$141 million for

investors victimized by a ponzi scheme. (Reported at: 881 F. Supp. 1576 (S.D. Fla. 1995); 168 F.R.D. 315 (S.D. Fla. 1996); 947 F. Supp. 491 (S.D. Fla. 1996)).

***In re The Drexel Burnham Lambert Group, Inc.:*** The firm was appointed co-counsel for a mandatory non-opt-out class consisting of all claimants who had filed billions of dollars in securities litigation-related proofs of claim against The Drexel Burnham Lambert Group, Inc. and/or its subsidiaries. Settlements in excess of \$2.0 billion were approved in August 1991 and became effective upon consummation of Drexel's Plan of Reorganization on April 30, 1992. (90 Civ. 6954 (MP), Chapter 11, Case No. 90 B 10421 (FGC), Jointly Administered, reported at, *inter alia*, 960 F.2d 285 (2d Cir. 1992), *cert. dismissed*, 506 U.S. 1088 (1993) ("Drexel I") and 995 F.2d 1138 (2d Cir. 1993) ("Drexel II")).

***In re Michael Milken and Associates Securities Litigation:*** As court-appointed liaison counsel, the firm was one of four lead counsel who structured the \$1.3 billion "global" settlement of all claims pending against Michael R. Milken, over 200 present and former officers and directors of Drexel Burnham Lambert, and more than 350 Drexel/Milken-related entities. (MDL Dkt. No. 924, M21-62-MP (S.D. N.Y. 1993)).

***RJR Nabisco Securities Litigation:*** In this action, Berger & Montague represented individuals who sold RJR Nabisco securities prior to the announcement of a corporate change of control. This securities case settled for \$72 million. (88 Civ. 7905 MBM (S.D. N.Y. 1992)).

#### **Antitrust Litigation**

***In re High Fructose Corn Syrup:*** Berger & Montague was one of three co-lead counsel in this nationwide class action alleging a conspiracy to allocate volumes and customers and to price-fix among five producers of high fructose corn syrup. After nine years of litigation, including four appeals, the case was settled on the eve of trial for \$531 million.

***In re Linerboard Antitrust Litigation:*** Berger & Montague was one of a small group of court-appointed executive committee members who led this nationwide class action against producers of linerboard. The complaint alleged that the defendants conspired to reduce production of linerboard in order to increase the price of linerboard and corrugated boxes

made therefrom. At the close of discovery, the case was settled for more than \$200 million.

***In re Relafen Antitrust Litigation:*** Berger & Montague was one of a small group of firms who prepared for the trial of this nationwide class action against GlaxoSmithKline, which was alleged to have used fraudulently-procured patents to block competitors from marketing less-expensive generic versions of its popular nonsteroidal anti-inflammatory drug, Relafen (nabumetone). Just before trial, the case was settled for \$175 million. (No. 01-12239-WGY, D. Mass. 2003).

***State of Connecticut Tobacco Litigation:*** Berger & Montague was one of three firms to represent the State of Connecticut in a separate action in state court against the tobacco companies. The case was litigated separate from the coordinated nationwide actions. Although eventually Connecticut joined the national settlement, its counsel's contributions were recognized by being awarded the fifth largest award among the states from the fifty states' Strategic Contribution Fund.

***In re Graphite Electrodes Antitrust Litigation:*** Berger & Montague was one of the four co-lead counsel in a nationwide class action price-fixing case. The case eventually settled in excess of \$130 million.

***In re Buspirone Antitrust Litigation:*** The firm served on the court-appointed steering committee in this class action, representing a class of primarily pharmaceutical wholesalers and resellers. The Buspirone class action alleged that pharmaceutical manufacturer BMS engaged in a pattern of illegal conduct surrounding its popular anti-anxiety medication, Buspar, namely, paying a competitor to refrain from marketing a generic version of Buspar; improperly listing a patent with the FDA; and wrongfully prosecuting patent infringement actions against generic competitors to Buspar. On April 11, 2003, the Court finally approved a \$220 million settlement. (MDL No. 1410 (S.D.N.Y. 2003)).

***In re Cardizem CD Antitrust Litigation:*** Berger & Montague served on the Executive Committee of firms appointed to represent the class of direct purchasers of Cardizem CD. The suit charged that Aventis (the brand-name drug manufacturer of Cardizem CD) entered into an illegal agreement to pay Andrx (the maker of a generic substitute to



Cardizem CD) millions of dollars to delay the entry of the less expensive generic product. On November 26, 2002, the district court approved a final settlement against both defendants for \$110 million. (No. 99-MD-1278, MDL No. 1278 (E.D. Mich. 2002)).

***In re Brand Name Prescription Drugs Antitrust Litigation:*** The firm served as co-lead counsel in this antitrust price-fixing class action on behalf of a class of purchasers of brand name prescription drugs. Following certification of the class by the district court, settlements exceeded \$717 million. (No. 94 C 897 (M.D. Ill. 2000)).

***North Shore Hematology-Oncology Assoc., Inc. v. Bristol-Myers Squibb Co.:*** The firm was one of several prosecuting an action complaining of Bristol Myers's use of invalid patents to block competitors from marketing more affordable generic versions of its life-saving cancer drug, Platinol (cisplatin). The case settled for \$50 million. (No. 1:04CV248 (EGS) (D. D.C. 2004))

***In re Catfish Antitrust Litig.:*** The firm was co-trial counsel in this action (by Mr. Twersky) which settled with the last defendant a week before trial, for total settlements approximating \$27 million. (No. 2:92CV073-D-O, MDL No. 928 (N.D. Miss. 1995)).

***In re Carbon Dioxide Antitrust Litigation:*** The firm was co-trial counsel in this antitrust class action which settled with the last defendant days prior to trial for total settlements approximating \$53 million, plus injunctive relief. (MDL No. 940 (M.D. Fla. 1995)).

***In re Infant Formula Antitrust Litigation:*** The firm served as co-lead counsel in an antitrust class action where settlement was achieved two days prior to trial, bringing the total settlement proceeds to \$125 million. (MDL No. 878 (N.D. Fla. 1992)).

***Red Eagle Resources Corp., Inc., v. Baker Hughes, Inc.:*** The firm was a member of the plaintiffs' executive committee in this antitrust class action which yielded a settlement of \$52.5 million. (C.A. No. H-91-627 (S.D. Tex. 1991)).

***In re Corrugated Container Antitrust Litigation:*** The firm, led by H. Laddie Montague, was co-trial counsel in an antitrust class action which yielded a settlement of \$366 million, plus interest, following a trial. (MDL No. 310 (S.D. Tex. 1981)).

***Bogosian v. Gulf Oil Corp.***: With Berger & Montague as sole lead counsel, this landmark action on behalf of a national class of more than 100,000 gasoline dealers against 13 major oil companies lead to settlements of over \$35 million plus equitable relief on the eve of trial. (No. 71-1137 (E.D. Pa. 1977)).

***In re Master Key Antitrust Litigation***: The firm served as co-lead counsel in antitrust class action that yielded a settlement of \$21 million during trial. (MDL No. 45 (D. Conn. 1977)).

**Environmental/Mass Tort Litigation**

***In re Exxon Valdez Oil Spill Litigation***: On September 16, 1994, a jury trial of several months duration resulted in a record punitive damages award of \$5 billion against the Exxon defendants as a consequence of one of the largest oil spills in U.S. history. David Berger was co-chair of the Plaintiffs' Discovery Committee (appointed by both the federal and state courts). H. Laddie Montague was specifically appointed by the federal court as one of the four designated trial counsel. Both Mr. Montague and Peter Kahana shared (with the entire trial team) in the 1995 "Trial Lawyer of the Year Award" given by the Trial Lawyers for Public Justice. (No. A89-0095-CVCHRH (D. Ala. 1996)).

***In re Ashland Oil Spill Litigation***: The firm served as co-lead counsel and obtained a \$30 million settlement for damages resulting from a very large oil spill. (Master File No. M-14670 (W.D. Pa. 1990)).

***In re School Asbestos Litigation***: As co-lead counsel, the firm successfully litigated a case in which a nationwide class of elementary and secondary schools and school districts suffering property damage as a result of asbestos in their buildings were provided relief. Pursuant to an approved settlement, the class received \$70 million in cash and \$145 million in discounts toward replacement building materials. (No. 83-0268 (E.D. Pa. 1986)).

**Health Care/ERISA Litigation**

***In re Unisys Corp. Retiree Medical Benefits:*** The firm, as co-lead counsel, handled the presentation of over 70 witnesses, 30 depositions, and over 700 trial exhibits in this action that has resulted in partial settlements of over \$110 million for retirees whose health benefits were terminated. (MDL No. 969 (E.D. Pa.)).

***Local 56 U.F.C.W. v. Campbell Soup Co.:*** The firm represented a class of retired Campbell Soup employees in an ERISA class action to preserve and restore retiree medical benefits. A settlement yielded benefits to the class valued at \$114.5 million. (No. 93-MC-276 (SSB) (D. N.J. 1984)).

**Civil/Human Rights**

***In re Holocaust Victim Assets Litigation:*** Through Stephen A. Whinston's membership on the Executive Committee in cases brought by Holocaust survivors against the three largest Switzerland-based banks, this litigation was settled for \$1.25 billion. (105 F. Supp.2d 139 (E.D. N.Y. 2000)).

***In re Nazi Era Cases Against German Defendants Litigation:*** Through the firm's co-lead counsel role, cases against German industry and banks for the use of slave and forced labor during the Nazi era were ultimately settled in the context of international negotiations which created a fund for victims of \$4.5 billion. (198 F.R.D. 429 (D. N.J. 2000)).

**JUDICIAL PRAISE FOR BERGER & MONTAGUE ATTORNEYS**

Berger & Montague's record of successful prosecution of class-actions and other complex litigation has been recognized and commended by judges and arbitrators across the country. Some remarks on the skill, efficiency, and expertise of the firm's attorneys are excerpted below.

**Securities Litigation**

From **Judge Stewart Dalzell**, of the U.S. District Court for the Eastern District of Pennsylvania:

"Thanks to the nimble class counsel, this sum, which once included securities worth \$149.5 million is now all cash. Seizing on an opportunity Rite Aid presented class counsel first renegotiated what had been stock consideration into Rite Aid Notes and then this year monetized those Notes. Thus, on February 11, 2003, Rite Aid redeemed those Notes from the class, which then received \$145,754,922.00. The class also received \$14,435,104 in interest on the Notes.

Co-lead counsel ... here were extraordinarily deft and efficient in handling this most complex matter... they were at least eighteen months ahead of the United States Department of Justice in ferreting out the conduct that ultimately resulted in the write down of over \$1.6 billion in previously reported Rite Aid earnings. In short, it would be hard to equal the skill class counsel demonstrated here."

Praising the work of Berger & Montague attorneys including Securities Department Chair, Sherrie R. Savett and partners Carole Broderick and Robin Switzenbaum *In re Rite Aid Corp. Securities Litigation*, 269 F. Supp. 2d 603 (E.D. Pa. 2003)

From **Judge Clarence C. Newcomer**, of the U.S. District Court for the Eastern District of Pennsylvania:

"...[C]ounsel has conducted this litigation with skill, professionalism and extraordinary efficiency."

Praising the work of Sherrie R. Savett, Securities Department Chair, and Arthur Stock, *In Re: Unisys Corporation Securities Litigation*, Civil Action No. 99-5333 (E.D. Pa. 1999).

From **Judge Stewart Dalzell**, of the U.S. District Court for the Eastern District of Pennsylvania:

"As to 'the skill and efficiency of the attorneys involved,' we can only echo what we said about some of the same lawyers in *U.S. Bioscience*. The results here are outstanding in a litigation that was far ahead of public agencies like the Securities and Exchange Commission and the United States Department of Justice. . . . At the same time, these attorneys have, through the division of their labors, represented the class most efficiently[.]"

Praising the work of Berger & Montague attorneys including Securities Department Chair, Sherrie R. Savett, in achieving settlements of over \$190 million in *In re Rite Aid Inc. Securities Litigation*, 146 F. Supp.2d 706 (E.D. Pa. June 8, 2001).

From **Judge Marvin Katz**, of the U.S. District Court for the Eastern District of Pennsylvania:

"Class counsel did a remarkable job in representing the class interests."

Commenting on the work of Berger & Montague attorneys Merrill G. Davidoff, Todd S. Collins and Douglas M. Risen, on the partial settlement for \$111 million approved May, 2000, *In Re: IKON Offices Solutions Securities Litigation*, Civil Action No. 98-4286 (E.D. Pa. 2000).

From **Judge Wayne R. Andersen**, of the U.S. District Court for the Northern District of Illinois:

"...[Y]ou have acted the way lawyers at their best ought to act. And I have had a lot of cases...in 15 years now as a judge and I cannot recall a significant case where I felt people were better represented than they are here ... I would say this has been the best representation that I have seen."

Praising the work of Sherrie R. Savett and Carole A. Broderick, in *In Re: Waste Management, Inc. Securities Litigation*, Civil Action No. 97-C 7709 (N.D. Ill. 1999).

From **Judge Stewart Dalzell**, of the U.S. District Court for the Eastern District of Pennsylvania:

“The quality of lawyering on both sides, but I am going to stress now on the plaintiffs’ side, simply has not been exceeded in any case, and we have had some marvelous counsel appear before us and make superb arguments, but they really don’t come any better than Mrs. Savett . . . , and the arguments we had on the motion to dismiss [Mrs. Savett argued the motion], both sides were fabulous, but plaintiffs’ counsel were as good as they come.”

Commenting on the settlement of a securities case litigated by Sherrie R. Savett and Carole A. Broderick, *In re U.S. Bioscience Securities Litigation*, Civil Action No. 92-0678, (E.D. Pa. 1994).

From **Judge Joseph F. Anderson, Jr.**, of the U.S. District Court for the District of South Carolina:

“I don’t have a problem at all approving the settlement. In light of what you’ve said today and your submission to the Court and I am familiar with the case ... it was a sharply litigated case, with good lawyers on both sides and I think it’s an ideal case for settlement. It’s the largest settlement I’ve been called upon to approve in my eight years as a judge.”

Praising the work of Sherrie R. Savett, Securities Department Chair, in achieving a \$32 million settlement in *In Re: Policy Management Systems Corporation*, Civil Action No. 3:93-0807-17 (D.S.C. 1993).

From **Judge Harry R. McCue**, of the U.S. District Court for the Southern District of California:

“There can be no doubt that the public good was fully served by the attorneys for the plaintiffs in this case, because they invested their own time, their own money, they invested their special skills and knowledge to vindicate the rights and interests of the thousands of

investors who invested their money and placed their trust in the integrity of the securities market. . . . I conclude that the achievement of plaintiffs' counsel under any of those tests was superior. ”

Concerning the work of Berger & Montague in achieving a \$33 million settlement in *In re Oak Securities Litigation*, 1986 U.S. Dist. LEXIS 20942 (S.D. Cal. 1986).

From **Judge John F. Keenan**, of the U.S. District Court for the Southern District of New York:

“The quality of work of plaintiffs’ counsel on this case is also demonstrated by the efficient manner of prosecution. . . . At the settlement hearing, defense counsel conceded that plaintiffs' counsel constitute the ‘cream of the plaintiffs’ bar.’ The court cannot find fault with that characterization.”

Regarding the work of Sherrie R. Savett and Stephen A. Whinston, *In re Warner Communications Securities Litigation*, 618 F. Supp. 735 (S.D.N.Y. 1985).

#### **Antitrust Litigation**

From **Judge Charles P. Kocoras**, of the U.S. District Court for the Northern District of Illinois:

“The stakes were high here, with the result that most matters of consequence were contested. There were numerous trips to the courthouse, and the path to the trial court and the Court of Appeals frequently traveled. The efforts of counsel for the class has [sic] produced a substantial recovery, and it is represented that the cash settlement alone is the second largest in the history of class action litigation. . . . There is no question that the results achieved by class counsel were extraordinary[.]”

Regarding the work of Berger & Montague shareholders H. Laddie Montague and Peter R. Kahana, among others, in achieving a more than \$700 million settlement with some of the defendants in *In Re Brand Name Prescription Drugs Antitrust Litigation*, 2000 U.S. Dist. LEXIS 1734, \*5-6 (N.D. Ill. February 9, 2000).

From **Judge Peter J. Messitte**, of the U.S. District Court for the District of Maryland:

“The experience and ability of the attorneys I have mentioned earlier, in my view in reviewing the documents, which I have no reason to doubt, the plaintiffs’ counsel are at the top of the profession in this regard and certainly have used their expertise to craft an extremely favorable settlement for their clients, and to that extent they deserve to be rewarded.”

Concerning the work of senior member, Merrill G. Davidoff, as stated in a Settlement Approval Hearing, Oct. 28, 1994. *Spawd, Inc. and General Generics v. Bolar Pharmaceutical Co., Inc.*, CA No. PJM-92-3624.

From **Judge Donald W. Van Artsdalen**, of the U.S. District Court for the Eastern District of Pennsylvania:

“As to the quality of the work performed, although that would normally be reflected in the not immodest hourly rates of all attorneys, for which one would expect to obtain excellent quality work at all times, the results of the settlements speak for themselves. Despite the extreme uncertainties of trial, plaintiffs’ counsel were able to negotiate a cash settlement of a not insubstantial sum, and in addition, by way of equitable relief, substantial concessions by the defendants which, subject to various condition, will afford the right, at least, to lessee-dealers to obtain gasoline supply product from major oil companies and suppliers other than from their respective lessors. The additional benefits obtained for the classes by way of equitable relief would, in and of itself, justify some upward adjustment of the lodestar figure.”

Commending the skills of firm chairman David Berger, shareholder Martin Twersky, and other Berger & Montague attorneys, in *Bogosian v. Gulf Oil Corp*, 621 F. Supp. 27 (E.D. Pa. 1985).



From **Judge Joseph Blumenfeld**, of the U.S. District Court of Connecticut:

“The work of the Berger firm showed a high degree of efficiency and imagination, particularly in the maintenance and management of the national class actions.”

Referencing the leadership of managing partner H. Laddie Montague, co-lead counsel, in *In re Master Key Antitrust Litigation*, 1977 U.S. Dist LEXIS 12948 (Nov. 4, 1977).

**Civil/Human Rights Cases**

From **Deputy Treasury Secretary Stuart E. Eizenstat**:

“We must be frank. It was the American lawyers, through the lawsuits they brought in U.S. courts, who placed the long-forgotten wrongs by German companies during the Nazi era on the international agenda. It was their research and their work which highlighted these old injustices and forced us to confront them. Without question, we would not be here without them. . . . For this dedication and commitment to the victims, we should always be grateful to these lawyers.”

In his remarks at the July 17, 2000, signing ceremony for the international agreements which established the German Foundation to act as a funding vehicle for the payment of claims to Holocaust survivors. Among the lawyers specifically mentioned for special recognition were Stephen A. Whinston and Edward W. Millstein, both shareholders of the firm.

**Customer/Broker Arbitrations**

From **Robert E. Conner**, Public Arbitrator with the National Association of Securities Dealers, Inc.:

“. . . [H]aving participated over the last 17 years in 400 arbitrations and trials in various settings, . . . the professionalism and the detail and generally the civility of everyone involved has been not just a cause for commentary at the end of these proceedings but between ourselves [the arbitration panel] during the course of them, and . . . the detail and the

intellectual rigor that went into the documents was fully reflective of the effort that was made in general. I wanted to make that known to everyone and to express my particular respect and admiration.”

About the efforts of Berger & Montague shareholders Merrill G. Davidoff and Eric L. Cramer, who achieved a \$1.1 million award for their client, in *Steinman v. LMP Hedge Fund, et al.*, NASD Case No. 98-04152, at Closing Argument, June 13, 2000.

## FOUNDING PARTNER:

### David Berger (1912-2007)

David Berger was the founder and the Chairman of Berger & Montague. He received his A.B. *cum laude* in 1932 and his LL.B. *cum laude* in 1936, both from the University of Pennsylvania. He was a member of The Order of the Coif and was an editor of the *University of Pennsylvania Law Review*. He had a distinguished scholastic career including being Assistant to Professor Francis H. Bohlen and Dr. William Draper Lewis, Director of the American Law Institute, participating in the drafting of the first Restatement of Torts. He also served as a Special Assistant Dean of the University of Pennsylvania Law School. He was a member of the Board of Overseers of the Law School and Associate Trustee of the University of Pennsylvania. In honor of his many contributions, the Law School established the David Berger Chair of Law for the Improvement of the Administration of Justice.

David Berger was a law clerk for the Pennsylvania Supreme Court. He served as a deputy assistant to Director of Enemy Alien Identification Program of the United States Justice Department during World War II.

Thereafter he was appointed Lt.j.g. in the U.S. Naval Reserve and he served in the South Pacific aboard three aircraft carriers during World War II. He was a survivor of the sinking of the U.S.S. Hornet in the Battle of Santa Cruz, October 26, 1942. After the sinking of the Hornet, Admiral Halsey appointed him a member of his personal staff when the Admiral became Commander of the South Pacific. Mr. Berger was ultimately promoted to Commander. He was awarded the Silver Star and Presidential Unit Citation.

After World War II, he was a law clerk in the United States Court of Appeals. The United States Supreme Court appointed David Berger a member of the committee to draft the Federal Rules of Evidence, the basic evidentiary rules employed in federal courts throughout the United States. David Berger was a fellow of the American College of Trial Lawyers, the International Society of Barristers, and the International Academy of Trial Lawyers, of which he was a former Dean. He was a Life Member of the Judicial Conference of the Third Circuit and the American Law Institute.

A former Chancellor (President) of the Philadelphia Bar Association, he has served on numerous committees of the American Bar Association and was a lecturer and author on various legal subjects, particularly in the areas of antitrust, securities litigation, and evidence.

David Berger served as a member of President John F. Kennedy's small committee which designed high speed rail lines between Washington and Boston. He drafted and activated legislation in the Congress of the United States which resulted in the use of federal funds to assure the continuance of freight and passenger lines throughout the United States. When the merger of the Pennsylvania Railroad and the New York Central Railroad, which created the Penn Central Transportation Company, crashed into Chapter 11, David Berger was counsel for Penn Central and a proponent of its reorganization. Through this work, Mr. Berger ensured the survival of the major railroads in the Northeastern section of the United States including Penn Central, New Jersey Central, and others.

Mr. Berger's private practice includes clients in London, Paris, Dusseldorf, as well as in Philadelphia, Washington, New York City, Florida, and other parts of the United States. David Berger instituted the first class action in the antitrust field, and for over 30 years he and the Berger firm have been lead counsel and/or co-lead counsel in countless class actions brought to successful conclusions, including antitrust, securities, toxic tort and other cases. He served as one of the chief counsel in the litigation surrounding the demise of Drexel Burnham Lambert, in which over \$2.6 billion was recovered for various violations of the securities laws during the 1980s. The recoveries benefitted such federal entities as the FDIC and RTC, as well as thousands of victimized investors.

In addition, Mr. Berger was principal counsel in a case regarding the Three Mile Island accident near Harrisburg, Pennsylvania, achieving the first legal recovery of millions of dollars for economic harm caused by the nation's most serious nuclear accident. As part of the award in the case, David Berger established a committee of internationally renowned scientists to determine the effects on human beings of emissions of low level radiation. Several important studies have issued from this committee, some which were used in connection with the Chernobyl disaster.

In addition, as lead counsel in *In re Asbestos School Litigation*, he has brought about settlement of this long and vigorously fought action spanning over 13 years for an amount in excess of \$300 million.

David Berger has been active in Democratic politics. President Clinton appointed David Berger a member of the United States Holocaust Memorial Council, in which capacity he served from 1994-2004. In addition to his having served for seven years as the chief legal officer of Philadelphia, he has been a candidate for District Attorney of Philadelphia, and was a Carter delegate in the Convention which nominated President Carter.

Over his lengthy career David Berger has been prominent in a great many philanthropic and charitable enterprises some of which are as follows: He was the Chairman of the David Berger Foundation and a long time honorary member of the National Commission of the Anti-Defamation League. He has been on the Board of the Jewish Federation of Philadelphia and, at his present place of residence, Palm Beach, he has been Honorary Chairman of the American Heart Association, Trustee of the American Cancer Society, a member of the Board of Directors of the American Red Cross, and active in the Jewish Federation of Palm Beach County. Among other distinguished entities, David Berger was a member of the Foundation for Art and Preservation in Embassies.

David Berger's principal hobby was tennis, a sport in which he has competed for over 60 years. He has been a member of the Board of Directors of the International Tennis Hall of Fame and other related organizations for assisting young people in tennis on a world wide basis.

## THE SHAREHOLDERS:

### Harold Berger

Harold Berger, a former Judge of the Court of Common Pleas of Philadelphia, is a graduate of the University of Pennsylvania School of Electrical Engineering (B.S.E.E. 1948) and the University of Pennsylvania Law School (J.D. 1951). He is a senior partner and managing principal of the firm and serves on its Executive Committee.

He currently serves as a member of the Board of Overseers of the School of Engineering and Applied Science of the University of Pennsylvania. He has served as Chair of the Third Circuit Class Action and Complex Litigation Committee of the Federal Bar Association and is past Chair of the FBA's National Committee on the Federal and State Judiciary. He is the author of numerous law review articles and has lectured extensively before bar associations and at universities. His biography appears in *Who's Who in America*, *Who's Who in American Law* and *Who's Who in the World*. He has been given the highest rating for legal ability as well as the highest rating for ethical standards by the *Martindale-Hubbell* American legal directory.

Harold Berger has participated in many national litigation and class action matters of a complex nature, including the *Exxon Valdez Oil Spill Litigation*, C.A. No. A89-095, which resulted in a record punitive damage award of \$5 billion against Exxon after Trial and in which he served on the case management team and as Co-Chair of the national discovery team. He also participated in the *In re Three Mile Island Litigation*, C.A. No. 79-0432 (M.D. Pa.), where he acted as liaison counsel, and in the nationwide school asbestos property damage class action, *In re Asbestos School Litigation*, Master File No. 83-0268 (E.D. Pa.), where the firm was co-lead counsel. The case was settled for an amount in excess of \$300 million. He also served as co-lead counsel in the *Ashland Oil Spill Litigation*, Master File No. M-14670, as co-lead counsel in the *Chrysler Motors Corp. Odometer Litigation*, MDL Docket No. 740, and as lead counsel in the *Collins & Aikman Product Liability class action*, C.A. No. 87-2529.

Harold Berger is a former member of the State and Federal Court Relations Committee of the National Conference of State Trial Judges and is the recipient of numerous awards including a Special American Bar Association Presidential Program Award and Medal and the Special Service Award of the Pennsylvania Conference of State Trial Judges. He is the recipient of the Federal Bar

Association's National Service Award for distinguished service to the Federal and State Judiciary. He is a permanent member of the Judicial Conference of the Third Circuit Court of Appeals and served as National Chair of the FBA's Alternate Dispute Resolution Committee.

Recipient of the Alumnus of the Year Award of the Thomas McKean Law Club of the University of Pennsylvania Law School, Harold Berger was honored by the University of Pennsylvania School of Engineering and Applied Science by the dedication of the Honorable Harold Berger Annual Lecture and Award to a technical innovator who has made a lasting contribution to the quality of our lives. He was further honored by the University by the dedication of a student award in his name for engineering excellence.

Harold Berger has served as Chair of the International Conferences on Global Interdependence held at Princeton University. He has served as Chair of the Aerospace Law Committees of the American, Federal and Inter-American Bar Associations and, in recognition of the importance and impact of his scholarly work, was elected to the International Academy of Astronautics in Paris. He is active in law and engineering alumni affairs at Penn, serving on the University of Pennsylvania's Biddle Law Library Advisory Board and as Chair of Friends of Biddle National Campaign. He is a past President of the Eastern District Chapter of the Federal Bar Association and currently serves as Chair of the Chapter's Class Action and Complex Litigation Committees in addition to serving as Chair of the Bench-Bar Liaison Committee.

Long active in diverse, philanthropic, charitable, community and inter-faith endeavors, Harold Berger currently serves as a Trustee of The Federation of Jewish Charities of Greater Philadelphia, as a Director of the National Museum of Jewish History, as a National Director of the Hebrew Immigrant Aid Society in its endeavors to assist refugees and indigent souls of all faiths, as a Charter Fellow of the Foundation of the Federal Bar Association and as a member of the Hamilton Circle of the Philadelphia Bar Foundation.

**H. Laddie Montague, Jr.**

H. Laddie Montague, Jr. is a graduate of the University of Pennsylvania (B.A. 1960) and the Dickinson School of Law (L.L.B. 1963) where he was a member of the Board of Editors of the *Dickinson Law Review*. He is currently Chairman of the Board of Governors for Dickinson School of Law of Penn State University. He is a member of the Executive Committee of the firm having

joined its predecessor David Berger, P.A. at its inception in 1970. He is a managing principal and shareholder of the firm and is Chairman of the Antitrust Department.

In addition to being one of the courtroom trial counsel for plaintiffs in the mandatory punitive damage class action in the *Exxon Valdez Oil Spill Litigation*, Mr. Montague has served as lead or co-lead counsel in many class actions, including *In re Infant Formula Antitrust Litigation* (1993) and *Bogosian v. Gulf Oil Corp.*, a nationwide class action against thirteen major oil companies (1984). Mr. Montague is co-lead counsel for the State of Connecticut in its litigation against the tobacco industry.

Mr. Montague was one of four co-lead counsel in *In re Brand Name Prescription Drugs Antitrust Litigation*, M.D.L. 997 (N.D. Ill.) and was one of three co-lead counsel in *In Re High Fructose Corn Syrup Antitrust Litigation*, M.D.L. No. 1087 (C.D. Ill.). In addition to the *Exxon Valdez Litigation*, he has tried several complex, protracted cases to jury, including two class actions: *In re Master Key Antitrust Litigation*, (1977) and *In re Corrugated Container Antitrust Litigation* (1980). For his work as trial counsel in the *Exxon Valdez Oil Spill Litigation*, Mr. Montague shared the Trial Lawyers for Public Justice 1995 Trial Lawyer of the Year Award.

Mr. Montague has frequently lectured on class action litigation for the Practicing Law Institute, the Pennsylvania Bar Institute and before other associations. He has taught a Complex Litigation Course at Temple University Law School and has been a panelist at the Federal Bench-Bar Conference for the Eastern District of Pennsylvania. Mr. Montague was a member of the 1984 faculty of the Columbia Law School Continuing Legal Educational Program entitled "The Trial of an Antitrust Case." Mr. Montague has testified before Congress with respect to antitrust and business fraud legislation, including the Racketeer Influenced and Corrupt Organizations Act ("RICO"). He is currently a member of the Advisory Board of the Antitrust & Trade Regulation Report published by the Bureau of National Affairs.

#### **Sherrie R. Savett**

#### **Summary**

Sherrie R. Savett, Chair of the Securities Litigation Department, and member of the Management Committee of the law firm of Berger & Montague, has practiced in the area of securities litigation



and class actions since 1975. Seven securities class actions in which Ms. Savett served as lead counsel, are among the 100 largest securities class actions settled in the United States in the last 10 years. She has advanced investor protection by helping to establish several significant legal precedents. Ms. Savett speaks and writes often on professional topics, and is also a business and community leader.

### **Securities Litigation**

Ms. Savett serves or has served as lead or co-lead counsel or as a member of the executive committee in a large number of important securities and consumer class actions in federal and state courts across the country, including:

**Advanced Micro Devices** (class settlement of \$11.5 million);  
**\*Alcatel Alsthom** (class settlement of \$75 million);  
**BankAmerica** (derivative settlement of \$39.25 million);  
**Boston Chicken** (class settlement of \$21.5 million);  
**Bristol-Myers Squibb** (class settlement of \$20 million);  
**Cephalon** (class settlement of \$17 million);  
**\*Cigna** (class settlement of \$93 million);  
**Coastal Physician Group** (class settlement of \$8.15 million);  
**Crocker Bank** (class settlement of \$35 million);  
**Employee Solutions** (class settlement valued at \$15 million);  
**Fidelity/Micron** (class settlement of \$10 million);  
**\*Fleming Companies** (class settlement of \$94 million);  
**Genentech** (class settlement of \$29 million);  
**Global Crossing** (class settlement of \$444 million (partial));  
**Home Shopping Network** (class settlement of \$18.2 million);  
**Long Island Lighting** (class settlement of \$48.5 million);  
**Marconi** (class settlement of \$7.1 million);  
**\*Medaphis/Deloitte & Touche** (class settlement of \$96.5 million);  
**MicroWarehouse** (class settlement valued at \$30 million);  
**Motorola** (class settlement of \$15 million);  
**Oak Industries** (class settlement in excess of \$35 million);  
**Plains All American Pipeline LP** (class settlement of \$24.1 million);

*Policy Management* (class settlement of \$32 million);  
*Policy Management II* (class settlement of \$7.75 million);  
*Public Service Company of New Mexico* (class and derivative settlements of \$33 million);  
*Raychem* (class settlement of \$19.5 million);  
*\*Rite Aid* (class settlement of \$334 million);  
*Safety-Kleen* (class settlement of \$44.5 million achieved two days before trial);  
*Shopko Stores* (class settlement of \$4.9 million);  
*SmithKline Beckman* (class settlement of \$22 million);  
*\*Sotheby's Holdings* (class settlement of \$70 million);  
*Summit Technology* (class settlement of \$10 million);  
*Sunrise Medical* (class settlement of \$20 million);  
*Subaru* (class settlement of \$70 million);  
*Synergen* (class settlement of \$28 million);  
*U.S. Bioscience* (class settlement valued at \$15.25 million);  
*United HealthCare* (class settlement of \$20.1 million);  
*United Telecommunications* (class settlement of \$28 million);  
*Valujet* (class settlement of \$5 million);  
*W.R. Grace* (derivative settlement of \$8.5 million);  
*Waste Management* (class settlement of \$220 million); and  
*\*Xcel Energy* (class settlement of \$80 million).

\* Listed among the 100 largest securities class actions settled in the United States during the last 10 years (1996-2006).

### **Investor Protection**

Ms. Savett has helped establish several significant precedents. Among them is the holding (the first ever in a federal appellate court) that municipalities are subject to the anti-fraud provisions of SEC Rule 10b-5 under § 10(b) of the Securities Exchange Act of 1934, and that municipalities that issue bonds are not acting as an arm of the state and therefore are not entitled to immunity from suit in the federal courts under the Eleventh Amendment. *Sonnenfeld v. City and County of Denver*, 100 F.3d 744 (10th Cir.1996)

In the *U.S. Bioscience* securities class action, a biotechnology case where critical discovery was needed from the federal Food and Drug Administration, the court ruled that the FDA may not automatically assert its administrative privilege to block a subpoena and may be subject to discovery depending on the facts of the case. *In re U.S. Bioscience Secur. Litig.*, 150 F.R.D. 80 (E.D. Pa. 1993)

In the *CIGNA Corp. Securities Litigation*, the Court denied defendants' motion for summary judgment, holding that a plaintiff has a right to recover for losses on shares held at the time of a corrective disclosure and his gains on a stock should not offset his losses in determining legally recoverable damages. *In re CIGNA Corp. Securities Litigation*, 459 F. Supp. 2d 338 (E.D. Pa. 2006).

### **Professional Leadership**

Ms. Savett is active in her profession, and is a frequent author and lecturer on prosecuting shareholder and consumer class actions. She was formerly on the board of the Philadelphia Bar Foundation.

She has lectured at the Wharton School of the University of Pennsylvania and at the Stanford Law School on prosecuting shareholder class actions. She is frequently invited to present and serve as panelist in American Bar Association, American Law Institute/American Bar Association and Practising Law Institute (PLI) conferences on securities class action litigation and the use of class actions in consumer litigation. She has been a presenter and panelist at PLI's Securities Litigation and Enforcement Institute annually since 1995. She has also spoken at major institutional investor and insurance industry conferences, and DRI -- the Voice of the Defense Bar.

She has written numerous articles on securities and complex litigation issues, including:

"Securities Class Actions Since the 1995 Reform Act: A Plaintiff's Perspective," 1557 *PLI*, September 2006

"Securities Class Actions Since the 1995 Reform Act: A Plaintiff's Perspective," 1505 *PLI*, September 2005

"Recent Developments in the Lead Plaintiff and Lead Counsel Provisions of the Private

Securities Litigation Reform Act (PSLRA),” 1 *Securities Litigation Report*, (Glasser LegalWorks) December 2004-January 2005

“Primary Liability of ‘Secondary’ Actors under the PSLRA,” *Securities Litigation Report*, (Glasser) November 2004

“Securities Class Actions Since the 1995 Reform Act: A Plaintiff’s Perspective,” 1442 *PLI/Corp.13*, September-October 2004

“Securities Class Actions Since the 1995 Reform Act: A Plaintiff’s Perspective,” SJ084 ALI-ABA 399, May 13-14, 2004

“The ‘Indispensable Tool’ of Shareholder Suits,” *Directors & Boards*, Vol. 28, February 18, 2004

“Plaintiff’s Perspective on How to Obtain Class Certification in Federal Court in a Non-Federal Question Case”, 679 *PLI*, August 2002

“Hurdles in Securities Class Actions: The Impact of Sarbanes-Oxley from a Plaintiff’s Perspective,” 9 *Securities Litigation and Regulation Reporter* (Andrews), December 23, 2003

“Securities Class Actions Since the 1995 Reform Act: A Plaintiff’s Perspective,” SG091 ALI-ABA, May 2-3, 2002

“Securities Class Actions Since the 1995 Reform Act: A Plaintiff’s Perspective,” SF86 ALI-ABA 1023, May 10, 2001

“Greetings from the Plaintiffs’ Class Action Bar: We’ll Be Watching,” SE082 ALI-ABA739, May 11, 2000

“Preventing Financial Fraud,” B0-00E3 *PLI* BO-00E3 April-May 1999

“Shareholders Class Actions in the Post Reform Act Era,” SD79 ALI-ABA 893, April 30,

1999

“What to Plead and How to Plead the Defendant’s State of Mind in a Federal Securities Class Action,” with Arthur Stock, *PLI*, ALI/ABA 7239, November 1998

“The Merits Matter Most: Observations on a Changing Landscape under the Private Securities Litigation Reform Act of 1995,” 39 *Arizona Law Review* 525, 1997

“Everything David Needs to Know to Battle Goliath,” ABA Tort & Insurance Practice Section, *The Brief*, Vol. 20, No.3, Spring 1991

“The Derivative Action: An Important Shareholder Vehicle for Insuring Corporate Accountability in Jeopardy,” *PLI* H4-0528, September 1, 1987

“Prosecution of Derivative Actions: A Plaintiff’s Perspective,” *PLI* H4-5003, September 1, 1986

## Honors

Ms. Savett is widely recognized as a leading litigator and a top female leader in the profession by local and national legal rating organizations.

*The Legal Intelligencer* and *Pennsylvania Law Weekly* named her one of the “56 Women Leaders in the Profession” in 2004.

In 2004 and 2005, Berger & Montague was named to the *National Law Journal*’s “Hot List” of 12-20 law firms nationally “who specialize in plaintiffs’ side litigation and have excelled in their achievements”. Ms. Savett’s achievements were mentioned, among others.

Ms. Savett was named a “Pennsylvania Top 50 Female Super Lawyer” and a “Pennsylvania Super Lawyer” from 2004 through 2006 by *Philadelphia Magazine* after an extensive nomination and polling process among Pennsylvania lawyers.

In 2006 and 2007, she was named one of the 500 leading litigators and leading plaintiffs’ litigators in the United States by *Lawdragon*.

### **Business and Community Leadership**

A business leader, Ms. Savett is on the Board of Directors of Pennsylvania Business Bank, and is a member of The Forum of Executive Women.

Ms. Savett is active in community affairs, serving for decades on the Board of Trustees of The Jewish Federation of Philadelphia. She is on the Board of the National Liberty Museum, and is Chairperson of the Southeastern Pennsylvania State of Israel Bonds and is a member of the National Cabinet of Israel Bonds. In 2005, she received The Spirit of Jerusalem Medallion, the State of Israel Bonds' highest honor. She is a former board member of the Philadelphia Chapter of the Weizman Institute, and the American Jewish Committee.

### **Education**

She earned her J.D. from the University of Pennsylvania Law School, and a B.A. *summa cum laude* from the University of Pennsylvania.

### **Personal**

Ms. Savett and her husband have five children and four grandchildren. In addition to her family, she enjoys tennis, physical training, travel and collecting art, especially glass and sculpture.

### **Merrill G. Davidoff**

Merrill G. Davidoff, a Senior Shareholder in the firm, received a B.A. degree from the University of Pennsylvania in 1969, and a J.D. from the University of Pennsylvania Law School (*cum laude*) in 1973. He is admitted to practice law in the Commonwealth of Pennsylvania, the State of New York, the United States Supreme Court, and numerous federal Courts of Appeal. Mr. Davidoff is Co-Chairman of the Antitrust Department with Mr. Montague, Chairs the Environmental Group, and has litigated a wide range of securities, antitrust, and environmental class actions.

During a legal career spanning over thirty-two years, Mr. Davidoff has represented diverse clients, including Burger King Corporation; John I. Haas, Inc.; Joh. Barth & Sohn, A.G.; Karhu, Inc.;

Rexroth Corporation/Rexroth GmbH; ADVO System, Inc.; the LeFrak Organization; Mannesmann A.G.; Championship Auto Racing Teams, Inc.; Cascade Steel Rolling Mills, Inc.; Carpenter Technology Corp. He has also represented many other large and small companies, sports teams, professional organizations, individuals and professional firms. He has acted as lead counsel and trial counsel in numerous antitrust, commercial, environmental, and securities cases. He represented Championship Auto Racing Teams ("CART"), the major Indy-car race-sanctioning organization, in a series of antitrust cases against Indianapolis Motor Speedway and others.

Mr. Davidoff has been a speaker at American Trial Lawyers Association meetings and seminars, and has addressed the Environmental and Toxic Torts Section at the National Convention of ATLA. He is also a member of the Antitrust and Business Law Sections of the American Bar Association, and served on the subcommittee of the American Bar Association Antitrust Section which prepared the 1985 supplement to the "Antitrust Civil Jury Instructions."

Mr. Davidoff served as co-lead and trial counsel for a plaintiff class in the first mass tort class action trial in federal court which resulted in a precedent-setting settlement for class members, *In re Louisville Explosions Litigation*. In the Canadian Radio-Television and Telecommunications Commission ("CRTC") Decisions (*Challenge Communications, Ltd. v. Bell Canada*), Mr. Davidoff was lead counsel for Applicant (plaintiff) in three evidentiary hearings before the CRTC. The hearings resulted in the first precedent breaking Bell Canada's monopoly over the telecommunications equipment which was connected to its telephone network. He was lead counsel in the *Revco Securities Litigation*, an innovative "junk bond" class action, which settled for \$36 million. Mr. Davidoff was lead counsel and lead trial counsel in *In re Melridge Securities Litigation*, tried to jury verdicts for \$88 million (securities fraud) and \$240 million (RICO). He is co-lead counsel for the class in the *In re Graphite Electrodes Antitrust Litigation*, an international price-fixing case which has thus far yielded settlements ranging from 18% to 32% of the plaintiffs' and class' purchases from the defendants (aggregate partial settlements exceed \$80 million). He was one of co-lead counsel in the *Ikon Securities Litigation*, in which a settlement of \$111 million was obtained. He was co-lead counsel and designated lead trial counsel in the *In Re Sunbeam Securities Litigation*, where settlements of \$110 million were reached with the auditors and an additional \$32 million with the individual defendants and the insurers. One of his areas of concentration is representation in commodities futures and options matters, and expertise in derivatives. He has represented market-makers on the Philadelphia Stock Exchange, where he owned a member firm in the early 1990s, as well as broker-dealers and market-makers on other exchanges.

In the Rocky Flats Nuclear Weapons Plant class action where Mr. Davidoff is lead counsel, the Court held the United States Department of Energy in contempt of court after a one week trial in November, 1995 (reported at 907 F. Supp. 1460 (D. Colo. 1995)). In 2005-2006, this class action finally went to trial (with Mr. Davidoff as lead trial counsel) and, in February 2006, the jury returned a special verdict for the plaintiffs for \$554 million, the largest property damage class action jury verdict ever.

### **Daniel Berger**

Daniel Berger graduated with honors from Princeton University (Class of 1969) and Columbia Law School (1974) where he was a Harlan Fiske Stone academic scholar. He is presently a senior member and shareholder of the firm, for which he serves as Managing Shareholder. Over the last 15 years, he has been involved in a number of complicated commercial cases including class action securities, antitrust, mass tort and bankruptcy cases. In the antitrust area, he has headed up the Firm's involvement in highly successful litigation against brand and generic prescription drug manufacturers in which the Berger Firm has been co-lead counsel, a member of various executive committees or otherwise played a key role including, *inter alia*, the following cases: Duane Reede Co. v. Aventis et. al. (\$110 million settlement involving prescription drug Hytrin); Louisiana Wholesale Drug Co. V. Bristol Myers Squibb (\$220 million settlement involving prescription drug Buspar); Valley Drug Co. v. Abbott Laboratories et. al., (pending case involving agreements by brand and generic drug companies to delay generic entry). Louisiana Wholesale Drug Co. v. Schering Plough (pending case involving agreements by brand and generic drug companies to delay generic entry); and Louisiana Wholesale Drug Co. v. Glaxo SmithKline Co. (pending case involving fraud on the US. Patent Office and improper FDA listing by a brand prescription drug manufacturer which delayed generic entry. In the civil rights area, he has been counsel in informed consent cases involving biomedical research and human experimentation by federal and state governmental entities.

Daniel Berger also has a background in the study of economics having done graduate level work in applied micro-economics and macro-economic theory, the business cycle and economic history. He has published law review articles in the *Yale Law Journal*, the Duke University's *Journal of Law and Contemporary Problems* and the New York Law School *Law Review* and worked with the American Law Institute /American Bar Association program on continuing legal education. He has



been affiliated with the Kennedy School of Government through the Shorenstein center of Media and Public Policy at Harvard University.

Mr. Berger has been active in city government in Philadelphia and was a member of the Mayor's Cultural Advisory Council, advising the Mayor of Philadelphia on arts policy and the Philadelphia Cultural Fund, which is responsible for all city grants to arts organizations. Mr. Berger was also a member of the Pennsylvania Humanities Council, one of the State organizations through which the NEA makes grants.

Mr. Berger is also an author and journalist and has published in the *Nation* magazine and reviewed books for the *Philadelphia Inquirer*.

#### **Todd S. Collins**

Todd S. Collins is a graduate of the University of Pennsylvania (B.A. 1973) and the University of Pennsylvania Law School (J.D. 1978), where he won the 1978 Henry C. Laughlin Prize for Legal Ethics. He is a member of the Pennsylvania and Delaware Bars. Since joining Berger & Montague in 1982, following litigation and corporate experience in Wilmington, Delaware and Philadelphia, he has concentrated on complex class litigation, including cases on behalf of securities purchasers, shareholders, trust beneficiaries, and retirement plan participants and beneficiaries.

Mr. Collins has served as lead counsel or co-lead counsel in numerous cases that have achieved significant benefits on behalf of the Class. These cases include: *In re AMF Bowling Securities Litigation*, 99 Civ. 3023 (PKC) (S.D.N.Y.) (\$20 million recovery, principally against investment banks, where defendants asserted that class suffered no damages); *Ashworth Securities Litigation*; Master File No. 99 CV 0121-L (JFS) (S.D. Cal.) (\$15.25 million recovery, coupled with substantial corporate therapeutic relief); *In re Aero Systems, Inc. Securities Litigation*, Case No. 90-0083-CIV-PAINE (S.D. Fla.) (settlement equal to 90 percent or more of Class members' estimated damages); *Price v. Wilmington Trust Company*, Case No. 12476, (Del. Chancery) (in litigation against bank trustee for breach of fiduciary duty, settlement equal to 70% of the losses of the Class of trust beneficiaries); *In re Telematics International, Inc. Securities Litigation*, Case No. 89-6015-CIV-PAINE (S.D. Fla.) (settlements achieved, after extensive litigation, following 11<sup>th</sup> Circuit reversal of dismissal below); *In re Ex-Cell-O Securities Litigation*, Case Nos. 86 CV 73442 DT and 86 CV 75335 DT (E.D. Mich.); *In re Sequoia Systems, Inc.* Case No. 92-11431-WD (D. Mass.); *In re*

*Sapiens International, Inc. Securities Litigation*, Case No. 94 Civ. 3315 (RPP) (S.D. N.Y.); *In re Datastream Securities Litigation*, Case No. 9-99-0088-13 (D.S.C.); *Copland v. Tolson* (Fischer & Porter Corporate Litigation), Case No. 93008366-09-5 (C.P. Bucks County, Pa.) (on eve of trial, in case against corporate principals for breach of fiduciary duty, settlement reached that represented 65% or more of claimants' losses, with settlement funded entirely from individual defendants' personal funds); and *In re IKON Office Solutions, Inc. Securities Litigation*, Case No. 98-CV-5483 (E.D. Pa.). In *IKON*, where Mr. Collins was co-lead counsel as well as chief spokesman for plaintiffs and the Class before the Court, plaintiffs' counsel created a fund of \$111 million for the benefit of the Class.

In addition, Mr. Collins has served as lead or co-lead counsel in several of the leading cases asserting the ERISA rights of 401(k) plan participants. Mr. Collins currently serves as co-lead counsel in *In re Lucent Technologies, Inc. ERISA Litigation*, No. 01-CV-3491 (D. N.J.); *In re Nortel Networks Corp. ERISA Litigation*, No. 03-MD-1537 (M.D. Tenn.); and *In re SPX Corporation ERISA Litigation*, Master File No. 04-CV-192 (W.D. N.C.). In *Lucent*, in the past year, Mr. Collins and his team achieved an excellent result, consisting of \$69 million for the benefit of plan participants as well as substantial injunctive relieve with respect to the operation of the 401(k) plans.

Mr. Collins is at the forefront of litigation designed to achieve meaningful corporate governance reform. Recently, he brought to a successful conclusion two landmark cases in which corporate therapeutics are at the core of the relief obtained. In *Oorbeek v. FPL Group, Inc.* (S.D. Fla.), a corporate derivative action brought on behalf of the shareholders of FPL Group, plaintiffs challenged excessive "change of control" payments made to top executives. In settlement, plaintiffs recovered not only a substantial cash amount, but also a range of improvements in FPL's corporate governance structure intended to promote the independence of the outsider directors.

Similarly, in *Ashworth Securities Litigation* (S.D. Cal.), a Section 10(b) fraud case, in which Mr. Collins was co-lead counsel, plaintiffs again have been successful in recovering millions of dollars and also securing important governance changes. The goal is to compensate the victims of wrongdoing and also, where appropriate, to make those structural changes necessary to make sure that such wrongdoing will never recur.

Abbott A. Leban

Abbott A. Leban joined the firm in 2004 as Senior Counsel and is a member of the Securities Litigation Department. In the previous seven years of his 47-year career, he held the position of Senior Counsel in Grant & Eisenhofer, P.A., of Wilmington, Delaware, where he participated in that firm's securities litigation and corporate governance practice, most notably in the *Oxford Health Plans, Inc. Securities Litigation* in the Southern District of New York and the *DaimlerChrysler Securities Litigation* in the Delaware federal court. In those cases, in each of which his firm served as co-lead counsel and achieved a settlement of \$300 million, the settlements ranked at the time among the "top ten" since the enactment of the Private Securities Litigation Reform Act of 1995 (PSLRA).

Mr. Leban heads the firm's office in Wilmington, Delaware, where he is principally based to further develop its corporate and securities litigation practice.

Mr. Leban is admitted to the practice of law in the District of Columbia, New York, Pennsylvania, and Delaware. He is also admitted in the U.S. Supreme Court, the U.S. Court of Appeals for the District of Columbia Circuit and the Fifth Circuit, and the U.S. District Courts for Delaware and the Southern District of New York. He is a member of the American and the Delaware State Bar Associations and was an original member of the National Association of Public Pension Attorneys, in which he served for a time as chairman of its Committee on Federal Legislation.

Mr. Leban received his B.A. from Columbia College in 1955 (Honors with Distinction in Government, Phi Beta Kappa) and the J.D. degree from Yale Law School in 1958, where in his third year he was employed as one of six instructors to teach the first-semester course, Introduction to Legal Research. Between his second and third years, he was employed by the American Law Institute as Research Assistant to Professor Willis L. M. Reese (Columbia Law School) in his role as Reporter for the Restatement (Second) of the Conflict of Laws.

Mr. Leban held a judicial clerkship in the U.S. Court of Appeals for the District of Columbia Circuit. He continued in federal government service in Washington in the Office of General Counsel of the now-defunct U.S. Civil Aeronautics Board and as an Assistant U. S. Attorney for D.C. during the Eisenhower and Kennedy administrations, in both the appellate and civil trial sections of that office. In 1962, still a New Yorker at the time, he accepted a position on the staff of U.S. Sen. Kenneth B.

Keating (R.-N.Y.), ending as his Executive Assistant and Counsel, with responsibility for managing 40-plus professional and clerical aides in the Senator's office, and participated as counsel to several subcommittees of the Senate Judiciary Committee in hearings on the steel, drug, insurance and funeral industries, and on bills that led to the Civil Rights Act of 1964 and, in the wake of the Kennedy assassination, the 25<sup>th</sup> Amendment on presidential succession and inability.

In 1965, Mr. Leban returned to New York and began a 17-year career in the "FIRE" sector: finance, insurance, and real estate. In-house with the Law Department of the Equitable Life Assurance Society of the U.S., he was, successively, a member of its securities and governmental relations divisions and in 1967 was elected to an officership as the Equitable's first-time Counsel for Federal Relations. In 1970, Colonial Penn Group, Inc., of Philadelphia, recruited him to be President/COO of its recently acquired New York-based life insurance subsidiary in what was essentially a turnaround situation. When Colonial Penn became one of the first insurance groups to be listed on the New York Stock Exchange, Mr. Leban was promoted to the parent company in Philadelphia as Senior V.P. and Corporate Secretary, with responsibilities for the legal, government relations, human resources, and corporate and public affairs departments. With the taking effect of ERISA in 1974, he also served as the chairman of the company's pension and profit-sharing plan trusts and supervised these plans' compliance programs in the early years of the ERISA regime.

During a period in which Colonial Penn was forced to "downsize" as a result of its losing its key customer, AARP, to the Prudential, Mr. Leban left and marked time in his own Pennsylvania practice and as "of counsel" to a Washington, D.C. firm in largely legislative and regulatory matters. For one of his clients, American Homestead, Inc., of Mt. Laurel, New Jersey, he was successful in gaining provisions of the Garn-St Germain Depository Institutions Reform Act of 1982 which enabled that company to begin to pioneer in offering reverse mortgage products to the "house-rich, cash-poor" segment of the senior population, beginning in New Jersey and Pennsylvania and later expanding to other states. Mr. Leban then joined American Homestead full-time as V.P., General Counsel & Secretary. In the mid-1980s, Congress put an end to that company's growth prospects when it authorized the Federal Housing Administration to insure a legislatively prescribed "home equity conversion mortgage" in a "demonstration" program which soon became, *de facto*, permanent.

In 1987, the incoming administration of Governor Robert P. Casey in Pennsylvania appointed Mr. Leban as the chief counsel of each of the Commonwealth's retirement systems for state, public school, and municipal employees, with then combined assets of approximately \$20 billion. On the

litigation side, Mr. Leban initiated retirement board proceedings and ultimately briefed and argued to the Commonwealth and Supreme Courts the high-profile “roofers’ union” cases involving the State board’s pension forfeiture orders against certain members of the state judiciary whom the Supreme Court had removed from office. On the investment side, in addition to corporate governance initiatives on behalf of the state and public school employee funds, Mr. Leban achieved national recognition for his representation of the public school fund, PSERS, as an *ex officio* member, along with CalPERS, on the official equity committee in Chapter 11 proceedings, *In re Texaco, Inc.*, 81 B.R. 806 (Bankr. S.D.N.Y. 1988). Observers credited that committee with playing a key role in the settlement of the Pennzoil-Texaco lawsuit judgment and the inclusion of important governance provisions in Texaco’s reorganization plan.

Mr. Leban left state government after the first term of the Casey administration to join the Philadelphia law firm now known as Blank Rome. As a member of the firm’s Corporate Department and chair of the firm’s Public Pension Fund Practice Group, he concentrated his work on varied corporate, tax, fiduciary, litigation, and legislative matters on behalf of both in-state and sister-state public pension funds, and provided counseling to a wide range of the firm’s corporate clients. His colleagues, Stuart Grant and Jay Eisenhofer in Blank Rome’s Wilmington office, formed their own firm in 1997, and Mr. Leban joined them soon after they commenced business.

From 1973 to 1978, Mr. Leban was a member of the Pennsylvania Humanities Council and served as its elected chairman from 1976 to 1978. He is currently a member of the Delaware Center for Justice, Inc. and the American Civil Liberties Union.

#### **Gary E. Cantor**

Gary E. Cantor is a graduate of Rutgers College (B.A. with high honors 1974) where he was a member of Phi Beta Kappa, and the University of Pennsylvania Law School (J.D. 1977), where he was a member of the Moot Court Board and the author of a law review comment on computer-generated evidence. He was admitted to the Pennsylvania bar in 1977. Since joining the Berger firm in 1977, he has concentrated on complex litigation, particularly securities litigation and securities valuations. Among other cases, Mr. Cantor has served as co-lead counsel in *Steiner v. Phillips, et al.* (Southmark Securities), Consolidated C.A. No. 3-89-1387-X (N.D. Tex.), which resulted in several payments to the Settlement Fund of \$82.5 million, and *In re Kenbee Limited Partnerships Litigation*, Civil Action No. 91-2174 (GEB), a class action involving 119 separate

limited partnerships resulting in cash settlement and debt restructuring (with as much as \$100 million in wrap mortgage reductions). In addition, he played a major role in: *In re Marconi, Plc, Securities Litigation*, Civil Action No. 2:01-CV-1259 (W.D. Pa.)(\$7.1 million settlement approved January 16, 2004); *In re Sotheby's Holding, Inc. Securities Litigation*, No. 00 Civ. 1041 (DLC) (S.D.N.Y.)(\$70 million class settlement); *In re Fidelity/Micron Securities Litigation*, Civil Action No. 95-12676-RGS (D. Mass.) (\$10 million class settlement); *In re Tucson Electric Power Company Securities Litigation*, C.A. No. 89-1274 PHX (WPC C.D. Ariz.) (\$30 million settlement of class and derivative actions). He was also actively involved in the *Waste Management Securities Litigation* (class settlement of \$220 million).

Mr. Cantor has been active in numerous community service activities, including serving as treasurer, president and board chairman of a private school.

#### **Stephen A. Whinston**

Stephen A. Whinston is a graduate of Colgate University (B.A. 1970) and Case Western Reserve University (J.D. 1973). Prior to joining the Berger firm in 1983, he was with the Special Litigation Section in the Civil Rights Division of the U.S. Department of Justice for nine years, completing his government career as a Senior Trial Attorney. Mr. Whinston was lead trial counsel for the government in complex litigation asserting constitutional rights of persons confined in criminal and civil institutions, including the well-known Alabama Prison System cases of the 1970's and 1980's. *Newman v. Alabama*, 559 F.2d 283 (5th Cir. 1977), *cert. denied*, 438 U.S. 915 (1978), *on remand*, 466 F.2d 628 (M.D. Ala. 1979); *Adams v. Mathis*, 458 F. Supp. 302 (M.D. Ala. 1978), *aff'd*, 614 F.2d 42 (5th Cir. 1980).

Upon joining the Berger firm, Mr. Whinston initially concentrated his practice on class actions in securities fraud and related fields. Mr. Whinston played a lead role on behalf of the firm in cases resulting in significant recoveries for investors, including:

A \$170 million settlement going to purchasers of annuities from affiliates of Baldwin-United Corp., *In re Baldwin-United Corp. Litigation*, 105 F.R.D. 475 (S.D.N.Y. 1984);

A \$140 million settlement for purchasers of securities issued by Premium Sales Corp., *Walco Investments, Inc. v. Thenen*, 881 F. Supp. 1576 (S.D. Fla. 1995), 168 F.R.D. 315 (S.D. Fla. 1996);



A \$71 million judgment for customers of Blinder Robinson & Co., *Hoxworth v. Blinder Robinson & Co., Inc.*, 903 F.2d 182 (3d Cir. 1990), 980 F.2d 912 (3d Cir. 1992);

A \$22 million settlement on behalf of purchasers of US Healthcare common stock, *J/H Real Estate, Inc. v. Abramson*, 901 F. Supp. 952 (E.D. Pa. 1995).

During the past ten years, Mr. Whinston has spent the majority of his time litigating civil and human rights cases. Mr. Whinston was appointed to the Executive Committee in consolidated class actions filed against the three largest banks in Switzerland on behalf of Holocaust survivors whose family members had opened up Swiss bank accounts but had been denied access to them for over 50 years. The case also developed to include claims against the Swiss banks for acting as money launderers for the Nazis with regard to gold and other valuables stolen from victims of the Holocaust. Mr. Whinston participated in the negotiations which resulted in a \$1.25 billion settlement of those cases. *In re Holocaust Victim Assets Litigation*, 105 F. Supp.2d 139 (E.D.N.Y.), *aff'd*, 225 F.3d 191 (2d Cir. 2000).

Mr. Whinston was also lead counsel in cases filed against 14 German industrial companies and banks arising out of the use of slave labor and the Aryanization of Jewish assets during the Holocaust. *Burger-Fisher v. Degussa*, 65 F. Supp.2d 248 (D.N.J. 1999)(appeal withdrawn). He was among a small group of American lawyers who participated in international negotiations sponsored by the Governments of the United States and Germany which resulted in the creation of a German Foundation with assets of \$4.5 billion for distribution to victims of slave labor and Aryanization, as well as other wrongs from the Nazi era. *In re Nazi Era Cases Against German Defendants Litigation*, 198 F.R.D. 429 (D.N.J. 2000); *Duveen v. U.S. District Court*, 250 F.3d 156 (2d Cir. 2001).

Mr. Whinston's current international human rights cases include *Presbyterian Church of Sudan v. Talisman Energy*, No. 01-cv-9882 (S.D.N.Y.), and *Kiobel v. Royal Dutch Petroleum Co.*, No. 02-cv-7618 (S.D.N.Y.). In *Presbyterian Church*, we represent two organizations and several individuals from southern Sudan in a suit against Talisman Energy, Inc., a Canadian oil company, and the Republic of Sudan alleging that they engaged in or aided acts of genocide, war crimes and crimes against humanity in order to clear areas of southern Sudan for oil exploration. In December 2006, the District Court granted the oil company's motion for summary judgment and certified its ruling for immediate appeal. Argument is expected later this year.

In *Kiobel*, we represent members of the Ogoni ethnic group of Nigeria who allege that Shell assisted, encouraged and participated in human rights violations in connection with the suppression of environmental protests in an area of the Niger Delta. In late 2006, the District Court denied, in large part, Shell's motion to dismiss the action, sustaining many of the key claims in the case, but dismissed the claim of one plaintiff for extrajudicial killing. The District Court certified its ruling for interlocutory appeal and the Second Circuit accepted the appeal. Argument is expected later this year.

In the field of civil rights, Mr. Whinston's practice has focused on employment discrimination cases, primarily in the form of class or multiple plaintiff actions. The claims made in these cases have ranged from racial discrimination in hiring, promotion and discipline to racially hostile work environments. Settlements have been successfully negotiated in multiple plaintiff cases involving hundreds of beneficiaries. In addition, Mr. Whinston is currently co-lead counsel in a putative nation-wide discrimination case on behalf of African American employees of Eastman Kodak Co. *Employees Committed for Justice v. Eastman Kodak Co.*, No. 04-cv-6098 (W.D.N.Y.).

Mr. Whinston's civil rights practice also involves litigation of Constitutional issues. He represents plaintiffs in *Pennsylvania Prison Society v. Cortes*, No. 1:cv-97-1731 (M.D. Pa.), a case challenging the constitutionality of amendments to the Pennsylvania Constitution effecting changes in the commutation system for life- and death-sentenced prisoners. On cross-motions for summary judgment, the District Court ruled that the amendments violated the Ex Post Facto clause of the United States Constitution, but denied other forms of relief. Cross appeals are currently pending.

Mr. Whinston also represented a class of Pennsylvania prison inmates who were Vietnam veterans in an action which established a statewide treatment program for class members who were suffering from post-traumatic stress disorder as a result of their Vietnam service, *Carter v. Jeffes* (E.D. Pa. 1987), and represented one of the class members in a habeas corpus action. *Glass v. Vaughn*, 860 F. Supp. 201 (E.D. Pa. 1994), *rev'd*, 65 F.3d 13 (3d Cir. 1995), *cert. denied*, 116 S. Ct. 1027 (1996).

Mr. Whinston has successfully argued cases before the Second Circuit, *Duveen, supra*, and the Third Circuit, *Hoxworth, supra*, *Blasband v. Rales*, 971 F.2d 1034 (3d Cir. 1992), as well as the Delaware Supreme Court, *Rales v. Blasband*, 634 A.2d 927 (Del. Supr. 1993). During the past two years, Mr. Whinston has successfully tried two cases to conclusion and settled one in mid-trial.



Mr. Whinston has testified before the United States House of Representatives and Senate subcommittees regarding civil rights enforcement policies. He has made numerous public presentations relating to his work on the Holocaust-related litigation, including one at the Millerville University Conference on the Holocaust in 2000. He is the author of a forthcoming article in the Berkeley Journal of International Law on a related topic. Mr. Whinston is active in various community organizations. He serves as a director of the Disabilities Law Center, a public interest law firm serving the physically and mentally disabled, and the Pennsylvania Prison Society, the oldest prison reform organization in the United States.

**Martin I. Twersky**

Mr. Twersky, a graduate of Yeshiva University (B.A. 1969, M.S. 1973), has practiced Antitrust Law and Complex Litigation at the firm for over 20 years, during which time he has successfully represented numerous plaintiffs and defendants in both individual and class actions pending in state and federal courts. His practice has involved litigation in the oil and gas, banking, airline, waste hauling, agricultural chemicals and other regulated industries. He is a graduate of the University of Pennsylvania Law School (J.D. 1980). Among other cases, he has played a leading role in the following class action cases: *In re: Graphite Antitrust Litigation* (E.D. Pa.) (Settlements of more than \$70 million dollars); *In re: Catfish Antitrust Litigation* (N.D. Miss.) (As a member of the trial team he helped obtained settlements of more than \$27 million dollars); *In re: Revco Securities Litigation* (N.D. Ohio) ("Junk Bond" class action where settlements of \$36 million were reached), and *Bogosian v. Gulf Oil* (E.D. Pa.) (Landmark litigation with settlements and injunctive relief on behalf of a nationwide class of gasoline dealers.) Mr. Twersky has also played a key role in various nonclass action cases, such as *Kutner Buick v. America Motors* (3<sup>rd</sup> Circuit 1989) (breach of contract) and *Florham Park v. Chevron* (D.N.J. 1988) (Petroleum Marketing Act case).

**Carole A. Broderick**

Carole A. Broderick is a 1952 graduate of Cornell University where she received a Bachelor of Arts degree. She is a 1957 graduate of the University of Pennsylvania Law School, where she was awarded an L.L.B. and was a member of the *Law Review*. She has practiced before the Securities and Exchange Commission and actively participated in the prosecution and trial of complex securities and antitrust litigation. She is admitted to practice law in the Commonwealth of Pennsylvania.

**Barbara A. Podell**

Barbara A. Podell, who joined the Berger firm as a shareholder in the Securities Group in early 2002, holds a Bachelor's degree from the University of Pennsylvania (B.A. 1972 *cum laude* with distinction in Art History). She attended the Institute of Fine Arts of New York University, and from 1973 to 1975, and was a full-time faculty member at Temple University, Philadelphia, Pennsylvania, in the Department of Art History. In 1978, Ms. Podell received a Juris Doctor degree (*magna cum laude*) from the Temple University School of Law, where she was one of the top nine students in the graduating class and was Editor-in-Chief of the Temple Law Quarterly (Volume 51). Prior to joining the Berger firm, Ms. Podell was a member of the firm of Savett Frutkin Podell & Ryan, P.C., and before that, a shareholder at Kohn, Savett, Klein & Graf, both in Philadelphia.

She is admitted to practice before the Supreme Court of Pennsylvania, the United States Court of Appeals for the Third Circuit, and the United States District Court for the Eastern District of Pennsylvania. She is a member of the American, Pennsylvania, and Philadelphia Bar Associations and has achieved an "AV" rating (the highest rating) in Martindale-Hubbell.

**Peter R. Kahana**

Peter R. Kahana is a Phi Beta Kappa graduate of Dickinson College (B.A. *magna cum laude* 1977) with a degree in Philosophy. Mr. Kahana graduated from Villanova Law School (J.D. 1980) where he was a member of the *Villanova Law Review*. He is admitted to practice in the Commonwealth of Pennsylvania and has clerked at the appellate court level for The Honorable Gwilym A. Price, Jr., of the Superior Court of Pennsylvania. Following his clerkship, Mr. Kahana joined the Berger firm in 1981. Mr. Kahana has diverse trial and appellate court experience in complex civil and class action litigation, and he has successfully represented both plaintiffs and defendants in numerous state and federal courts across the country. Mr. Kahana has also played a leading role in major antitrust and environmental litigation, including cases such as *In re Brand Name Prescription Drugs Antitrust Litigation* (\$723 million settlement), *In re Ashland Oil Spill Litigation* (\$30 million settlement), and *In re The Exxon Valdez* (\$286 million compensatory damage and \$5 billion punitive damage award – currently on appeal). In connection with his work as a member of the litigation team that prosecuted *In re The Exxon Valdez*, Mr. Kahana was selected to share the 1995 Trial Lawyer of the Year Award by The Trial Lawyers for Public Justice Foundation.

**Ruthanne Gordon**

Ruthanne Gordon is a graduate of the University of Michigan (B.A. 1974) and the University of Pennsylvania Law School (J.D. 1979). Prior to joining the Berger firm, Ms. Gordon was an attorney with the United States Environmental Protection Agency specializing in hazardous waste litigation. Since joining the Berger firm in 1982, she has concentrated on the litigation of antitrust, securities and environmental class actions, and derivative litigation, including: *State of Connecticut v. Philip Morris, Inc., et al.*, in which the State of Connecticut recovered approximately \$3.6 billion (excluding interest) from certain manufacturers of tobacco products; *In re Commercial Tissue Antitrust Litigation*; *RJR Nabisco Securities Litigation*; *Feldman v. Motorola*; *In re Philadelphia Electric Company Derivative Litigation*; *In re W.R. Grace Derivative Litigation*; *In re PSE&G Derivative Litigation* (appeal pending); and *In re Louisville Explosions Litigation*, a class action against Ralston Purina Company, on behalf of a class of Louisville, Kentucky residents who suffered property damage from extensive sewer explosions, which was prosecuted through a six-week trial and settled at the close of plaintiffs' case for more than one hundred percent of actual damages.

In addition, Ms. Gordon represented a class of Pennsylvania inmates in a federal civil rights class action, which resulted in the establishment of a statewide treatment program for Pennsylvania inmates suffering from post-traumatic stress disorder as a result of their service in the Vietnam war.

**Jeanne A. Markey**

Jeanne A. Markey is a graduate of Colgate University (B.A. *cum laude* 1979) and the Cornell Law School (J.D. 1983), where she was on the Moot Court Board. She was admitted to the Pennsylvania bar in 1983. Since joining the Berger firm, she has been actively involved in various complex class action litigations, focusing primarily on securities class action litigation.

**Russ Henkin**

Russ Henkin graduated from American University in Washington, D.C. in 1969 with a Bachelor of Science Degree with honors. He graduated from the University of Pennsylvania Law School in 1972. Mr. Henkin was law clerk to Honorable Maurice W. Sporkin in the Pennsylvania Court of Common Pleas for Philadelphia County from 1972 through 1975. From 1973 through 1975, he also worked in a small personal injury firm, trying plaintiffs' personal injury cases. He worked as an

associate with the Berger firm from 1975 through 1980. During that time, he was involved in or tried complex civil litigation matters. His cases included fraud matters, securities matters, breach of contract, restrictive employment covenant litigation, eminent domain litigation, and divorce, among other fields.

From 1980 through 1991, he was associated with another firm, again involved in trials of complex civil litigation matters. His cases involved antitrust, bankruptcy litigation and reorganization, contracts, malpractice, products liability, employment discrimination, commercial disparagement litigation, business separation litigation, emotional distress litigation, claims and defense under the Racketeer Influenced and Corrupt Organization Act ("RICO"), stock fraud and foreclosure/workout and other trials. Representative results included confirmation of a \$20 million plan of reorganization for a psychiatric hospital company, and successful defense against a \$30 million RICO suit.

In June 1991, Mr. Henkin returned to the Berger firm, and is again trying complex civil matters. Those matters involve areas such as stock fraud, class action personal injury, breach of contract and consumer fraud, and lender liability. In one of his cases, he achieved a \$30 million recovery in a claimed 10 year verbal contract case.

Mr. Henkin is admitted to practice law in the Commonwealth of Pennsylvania and the State of Florida.

#### **Peter Nordberg**

Peter Nordberg is a graduate of Harvard College (A.B. 1980) and the University of Pennsylvania Law School (J.D. 1985), where he received the Fred G. Leebron Award in Constitutional Law and the John H. Maurer Memorial Prize in Criminal Procedure, and where he served as an Executive Editor of the *University of Pennsylvania Law Review*, authoring "The Petition Clause and Unauthorized Practice Rules," 132 U. Pa. L. Rev. 1515 (1984).

Since joining Berger & Montague in 1990, Mr. Nordberg has practiced in state and federal courts across the nation, in diverse areas of complex civil litigation including mass tort and environmental litigation, qui tam actions, antitrust matters, securities cases, and ERISA litigation. He recently served as co-counsel for plaintiffs in the four-month trial of *Cook v. Rockwell Int'l Corp.*, where claims for trespass and nuisance against two former operators of the Rocky Flats Nuclear Weapons

Plant were tried to verdict on behalf of a class of Colorado property owners, resulting in a half-billion dollar jury award. In 2005, he served as a member of the plaintiffs' trial team in Washington State for the inaugural bellwether trial in the *Hanford Nuclear Reservation Litigation*, helping to win what is believed to be the first verdict in history in favor of personal injury plaintiffs suffering from cancer caused by offsite exposures to radiation released by operators of a nuclear weapons facility. In 2003, he was appellate counsel in *Ileto v. Glock*, in which the Ninth Circuit approved a public nuisance action against gun manufacturers for injuries inflicted by the unlawful use of their products.

Mr. Nordberg is also founder and author of the web site "Daubert on the Web," a nationally recognized resource on the law of expert evidence. He is admitted to practice in Pennsylvania, and he is also a member of the bar of the United States Supreme Court and numerous U.S. Courts of Appeals.

#### **Lawrence Deutsch**

Lawrence Deutsch is a graduate of Boston University (B.A. 1973), George Washington University's School of Government and Business Administration (M.S.A. 1979), and Temple University's School of Law (J.D. 1985). He became a member of the Pennsylvania Bar in 1986 and the New Jersey Bar in 1987. He has also been admitted to practice in Eastern District of Pennsylvania, the First Circuit Court of Appeals, the Second Circuit Court of Appeals, the Third Circuit Court of Appeals, the Supreme Court of Pennsylvania, the Supreme Court of New Jersey, and the U.S. Court of Federal Claims.

Prior to joining the Berger firm, Mr. Deutsch was in the Peace Corps from 1973-1976, working in Costa Rica, the Dominican Republic and Belize. He then worked for ten years at the United States General Services Administration. At the Berger firm, Mr. Deutsch has been involved in numerous securities class action cases, currently serving as one of the lead counsel in the *In Re Sunbeam Securities Litigation* class action concerning "Chainsaw" Al Dunlap (resulting in settlements of over \$128 million for the class). Recently, Mr. Deutsch, as sole lead counsel, successfully argued to the First Circuit, resulting in its ruling over-turning a dismissal order in *Aldridge v. A.T. Cross Corp., et al.*, 284 F.3d 72 (1st Cir. 2002). Mr. Deutsch has also represented plaintiffs in numerous matters of corporate governance, broker-dealer arbitrations, and general business litigation. Notably, Mr. Deutsch successfully argued before the Delaware Supreme Court in *Rossdeutscher v. Viacom*, 768 A.2d 8. (Del. Supr. 2001)

In addition to his litigation work, Mr. Deutsch has been a member of the firm's Administrative Committee and also supervises the firm's paralegals. Mr. Deutsch has been a member of the Philadelphia Bar Association's Committee on Securities Regulations and a participant in the Bar's VIP program to provide legal services for the indigent. Mr. Deutsch is also active in public activities on behalf of children with disabilities, serving as President of the Pathway Parents Association.

**Lawrence J. Lederer**

Lawrence J. Lederer concentrates in complex commercial litigation. He represents plaintiffs and defendants in class and individual actions, particularly in the securities, bankruptcy and contract areas.

In securities litigation, Mr. Lederer participated in several class and individual actions resulting in multi-million dollar recoveries for plaintiff investors, including the celebrated Drexel/Milken/Boesky complex of cases. *See, e.g., In re Michael R. Milken and Associates Securities Litigation*, MDL Dkt. No. 924, Master File No. M21-62 (MP), 1993 U.S. Dist. LEXIS 14242, 1993 WL 413673 (S.D.N.Y. Oct. 7, 1993) (approving approximately \$1.3 billion overall settlement with Michael R. Milken and related persons and entities), *aff'd*, 995 F.2d 1138 (2d Cir. 1993); *Presidential Life Insurance Co. v. Milken, et al.*, 946 F. Supp. 267 (S.D.N.Y. 1996) (\$50 million settlement in novel "global" class action of all previously unasserted claims against some 500 defendants); *In re Ivan F. Boesky Securities Litigation*, 948 F.2d 1358 (2d Cir. 1991) (affirming district court approval of "first tier" settlements totaling approximately \$29 million against Ivan F. Boesky and others; related "second tier" class, derivative and other settlements subsequently approved totaling in excess of \$200 million).

More recently, Mr. Lederer was lead counsel for a group of private shareholders who sold their companies to a large publicly-held corporation in exchange for \$103.5 million in stock. *Kelly v. McKesson HBOC, Inc.*, C.A. No. 99C-09-265 WCC, 2002 Del. Super. LEXIS 39 (Del. Super. Jan 17, 2002). Following extensive discovery, that case was settled on the eve of trial yielding a significant cash recovery for the plaintiff shareholders. Mr. Lederer also has experience representing large public and private institutional and other investors in "opt out" securities cases. For example, he was one of the primary attorneys for four Commonwealth of Pennsylvania public funds which, in June 2006, obtained a \$23 million recovery in litigation arising out of the AOL-Time Warner merger. *See Commonwealth of Pennsylvania Public School Employees' Retirement System, et al.*



*v. Time Warner Inc., et al.*, Case No. 002103, July Term, 2003 (Pa. Common Pleas Ct.-Phila. Cty.). He also was one of the primary attorneys for the plaintiffs in the securities litigation captioned *Miller, et al. v. Waste Management Inc., et al.*, C.A. No. 00C-06-257 RRC (Del. Super. Ct.). Mr. Lederer has also represented investors in cases arising under the federal securities laws which have resulted in important judicial decisions regarding jurisdiction and procedure. *See, e.g., Ginsburg v. Faragalli*, 776 F. Supp. 806 (S.D.N.Y. 1991) (holding that a federal court's jurisdiction over a defendant encompasses the boundaries of the United States under the nationwide service of process provisions of the Securities Exchange Act of 1934, 15 U.S.C. § 78aa).

Mr. Lederer also has significant experience defending securities cases. For example, he is one of the Berger firm's principal attorneys defending a public company against securities fraud class action litigation. *See In re DRDGold Ltd. Securities Litigation*, 05 Civ. 5542 (VM), 2007 U.S. Dist. LEXIS 7180 (S.D.N.Y. Jan. 31, 2007) (dismissing securities class action lawsuit). He also assisted in representing an individual charged with "insider trading" through a criminal jury trial in federal court, and in parallel civil proceedings brought by the SEC. *United States v. Pileggi*, No. 97-CR-612-2, 1998 U.S. Dist. LEXIS 8068 (E.D. Pa. June 3, 1998), *aff'd*, No. 98-1811, 1999 U.S. App. LEXIS 18592 (3d Cir. July 22, 1999).

In bankruptcy litigation, Mr. Lederer helped obtain hundreds of millions of dollars for investors in the complex Chapter 11 proceedings involving the former investment banking and brokerage firm Drexel Burnham Lambert, including through appeals before the United States Court of Appeals for the Second Circuit and the United States Supreme Court. *See, e.g., In re The Drexel Burnham Lambert Group, Inc.*, 130 B.R. 910 (Bankr. & S.D.N.Y. Aug. 20, 1991), *aff'd*, 960 F.2d 285 (2d Cir. 1992), *cert. denied*, 506 U.S. 1088 (1993). Mr. Lederer also served as co-lead counsel in securities class action litigation arising out of the bankruptcy of a physician practice management firm, BMJ Medical Management. *See Sapir, et al. v. Delphi Ventures, et al.*, 99-8086-Civ.-Jordan (S.D. Fla.). Following extensive bankruptcy and related proceedings, that litigation was settled for \$3.8 million, with proceeds distributed to investors in the summer of 2002.

Mr. Lederer graduated from Georgetown University Law Center (LL.M. 1988); Western New England College School of Law (J.D. 1987), where he was a member of *Western New England Law Review*; and the University of Pittsburgh, where he was managing editor of *The Pitt News*, and co-captain (1983) and captain (1984) of the men's varsity tennis team (B.A. 1984). Mr. Lederer is

admitted to practice law in Pennsylvania, the District of Columbia, and several federal courts. Mr. Lederer was selected by *Philadelphia Magazine* one of the City's "Super Lawyers".

**David F. Sorensen**

Mr. Sorensen graduated from Duke University (B.A. *magna cum laude* 1983) and from Yale University (J.D. 1989). He was Law Clerk to the Hon. Norma L. Shapiro (E.D. Pa.), in 1990-1991. He was admitted to the Pennsylvania bar in 1989, and is admitted to practice in various federal courts, including the Eastern District of Pennsylvania, and the United States Courts of Appeals for the Ninth, Tenth, and Eleventh Circuits.

Mr. Sorensen practices in the areas of complex mass tort and antitrust class action litigation. He helped try a class action property damage case, *Cook v. Rockwell Corp.*, that resulted in a jury verdict of \$554 million on February 14, 2006, after a four-month trial, on behalf of thousands of property owners near the former Rocky Flats nuclear weapons plant located outside Denver, Colorado. The jury verdict is the largest in Colorado history, and is the first time a jury has awarded damages to property owners living near one of the nation's nuclear weapons sites. The verdict included an award of \$200 million in punitive damages against the former Rocky Flats contractors, Dow Chemical Company and Rockwell International Corporation. The case was filed in 1990, and has resulted in 10 published court opinions. The suit alleged that defendants negligently and recklessly caused plutonium to be released off-site from the plant onto class properties, damaging property values and putting residents at increased risk of developing cancer. The jury found for plaintiffs on both of their claims, for trespass and nuisance.

Mr. Sorensen also played a major role in the firm's representation of the State of Connecticut in *State of Connecticut v. Philip Morris, Inc., et al.*, in which Connecticut recovered approximately \$3.6 billion (excluding interest) from certain manufacturers of tobacco products.

Mr. Sorensen also has been involved in a number of antitrust cases representing direct purchasers of prescription drugs. These cases have alleged that pharmaceutical manufacturers have conspired to keep less expensive generic drugs off of the market, in violation of federal antitrust laws. Several of these cases have resulted in substantial cash settlements, including *In re Terazosin Hydrochloride Antitrust Litigation*, MDL 1317 (S.D.Fla.) (\$75 million); and *In re Remeron Antitrust Litig.* (\$75 million).



Mr. Sorensen, along with his partner Eric L. Cramer, presented at a symposium in November 2004, focusing on antitrust issues in the pharmaceutical industry, at the University of San Francisco School of Law. Several articles from the symposium were published in the school's law review, including one co-authored by Mr. Sorensen and one of the school's law professors, Joshua P. Davis. The article is entitled, *Chimerical Class Conflicts in Federal Antitrust Litigation: The Fox Guarding the Chicken House in Valley Drug*, 39 U.S.F. Law Review 141 (Fall 2004).

Mr. Sorensen also has presented a seminar, with his partner Eric L. Cramer, on the law of class actions, sponsored by the National Business Institute in Philadelphia. Mr. Sorensen was named as one Pennsylvania's "SuperLawyers" in 2005 in the Philadelphia Magazine; and has received the highest peer-review rating, "AV," in Martindale-Hubbell.

### Arthur Stock

Arthur Stock is a shareholder in the firm, who has concentrated on securities litigation. Mr. Stock has litigated numerous significant cases vindicating the rights of investors, including: *Safety-Kleen Corp.* (\$45 million stockholders settlement); *Synergen, Inc.* (\$28 million settlement); *UICI Securities Litigation* (\$16 million settlement); *Livent, Inc.* (\$6.45 million settlements); *Worldport, Inc.* (\$5.1 million settlement); *Datastream* (\$5 million cash and stock settlement); *Blasband v. Rales* (favorable precedent for investors established in Delaware Supreme Court).

Mr. Stock is the co-author with Sherrie R. Savett of *What to Plead and How to Plead the Defendant's State of Mind in a Federal Securities Class Action: The Plaintiff's Perspective*, Practising Law Institute, 30th Annual Institute of Securities Regulation, Vol. 2, p. 807 (1998), and author of *Justice Scalia's Use of Sources in Statutory and Constitutional Interpretation: How Congress Always Loses*, Duke L.J. 160 (1990). He has also written political commentary for *Slate.com* magazine.

Mr. Stock is a graduate of Yale University (B.A. *with distinction in economics* 1984) and the Duke University School of Law (J.D. *with high honors* 1990), where he served as Articles Editor of the *Duke Law Journal*.

From 1990 to 1991, Mr. Stock served as a law clerk to the Honorable Jackson L. Kiser, United States District Court for the Western District of Virginia. Mr. Stock is admitted to practice law in the Commonwealth of Pennsylvania.

**Jonathan D. Berger**

Jonathan D. Berger is a graduate of the Wharton School of the University of Pennsylvania (B.S., Economics, 1980) and the Delaware Law School (J.D. 1985). Mr. Berger was a Judicial Law Clerk for the Honorable Charles P. Mirarchi, Jr., Court of Common Pleas of Philadelphia in 1986 and 1987. Since joining Berger & Montague, in September 1987, he has been involved in class actions and complex commercial litigation including the *Exxon Valdez Oil Spill Litigation*; *Norplant Contraceptive Litigation*; *In re Domestic Airlines Antitrust Litigation*, 137 F.R.D. 677 (N.D. Ga. 1991); *Ford/Firestone MDL Litigation*; *Unisys ERISA Benefits Litigation*; *In re Asbestos School Litigation*, Master File No. 83-0268 (E.D. Pa); *Commercial Explosives Antitrust Litigation*; and *Vitamins Antitrust Litigation*. Additionally, Mr. Berger has been actively engaged in other complex cases including multi-party litigation involving hydraulic engineered systems.

**Bart D. Cohen**

Bart Cohen graduated from the University of Pennsylvania in 1984 with two degrees, from the Wharton School and the School of Engineering and Applied Science. After working as a software developer, he graduated in 1989 from the Georgetown University Law Center, where he was a member of the American Criminal Law Review, and authored the "1987 Computer Crime Update" in the journal's survey of white collar crime. Since joining the Berger firm in 1991, Mr. Cohen has concentrated on antitrust litigation, including *In re Infant Formula Antitrust Litigation*, (N.D. Fla. 1993), *In re Carbon Dioxide Antitrust Litigation*, (M.D. Fla. 1996), and *Callahan v. A.E.V., Inc.*, 182 F.3d 237 (3rd Cir. 1999) (reversing dismissal of antitrust claims of several small beer distributors). He has also represented an automobile dealership in antitrust litigation against its franchisor, *Mercedes-Benz, U.S.A. v. Coast Automotive Group, Ltd.*, (D.N.J.). Mr. Cohen is admitted to practice in the Commonwealth of Pennsylvania, the Eastern District of Pennsylvania and the Eleventh Circuit Court of Appeals.

**Michael T. Fantini**

Michael T. Fantini is a graduate of Saint Joseph's University (B.S. *magna cum laude* 1986) and George Washington National Law Center (J.D. with honors 1989), where he was a member of the Moot Court Board. Prior to joining the Berger firm, he was a litigation associate in the Washington, D.C. office of Dechert, Price & Rhoads. Since joining the Berger firm in 1992, Mr. Fantini has concentrated in consumer and securities fraud class action litigation. Some notable consumer fraud

cases include: *Fitz, Inc. v. Ralph Wilson Plastics Co.*, No: 1-94-CV-06017(D. N.J.) (defective contact adhesives); *Parker, et al v. American Isuzu Motors, Inc.*, No: 3476 (CCP, Philadelphia County) (faulty brakes); *Block v. McDonald's Corporation*, No: 01CH9137 (Cir. Ct. of Cook County, Ill.) (failure to disclose beef fat in french fries). Some notable securities cases include: *In re PSINet Securities Litigation*, No: 00-1850-A (E.D. Va.) and *In re Nesco Securities Litigation*, 4:01-CV-0827 (N.D. Okla.). Mr. Fantini also was involved in *Benzman, et al v. Whitman, et al*, No: 04-01888 (S.D. N.Y.), a class action suit brought by residents, students, and office workers of Lower Manhattan against the Environmental Protection Agency and certain of its top officials for their failure to clean up hazardous substances after the September 11, 2001 terrorist attacks. Mr. Fantini is licensed to practice in the Commonwealth of Pennsylvania and the District of Columbia.

### Eric L. Cramer

Eric L. Cramer graduated *summa cum laude* from Princeton University (A.B. 1989), where he was selected for Phi Beta Kappa, and *cum laude* from Harvard Law School (J.D. 1993). He is admitted to practice in Pennsylvania and New York, and various federal courts.

In June 2005, Chambers USA *America's Leading Lawyers for Business* honored Mr. Cramer as one of Philadelphia's "up and coming" antitrust lawyers, noting that he is "admired [by his peers] for his strong analytical skills" and recognized for his "expert knowledge of the economic side of the law." Moreover, the June 2005 edition of Philadelphia Magazine selected Mr. Cramer as one of the City's "Super Lawyers," based on his work in the antitrust field.

Since joining Berger & Montague in 1995, Mr. Cramer has concentrated his practice in complex public protection litigation, representing victims of mass torts and those injured by violations of antitrust and consumer protection laws. Mr. Cramer has spent the past five years prosecuting antitrust class actions on behalf of direct purchasers of brand name drugs, charging pharmaceutical manufacturers with illegally blocking the market entry of less expensive competitor drugs. In four such cases, Mr. Cramer was significantly responsible for winning class certification. See *In re Cardizem CD Antitrust Litig.*, 200 F.R.D. 297 (E.D. Mich. 2001); *In re Buspirone Patent & Antitrust Litig.*, 210 F.R.D. 43 (S.D.N.Y. 2002); *In re Premarin Antitrust Litig.*, 225 F.R.D. 208 (S.D. Ohio 2003); and *In re Relafen Antitrust Litig.*, 218 F.R.D. 337 (D. Mass. 2003).

In the last three years, Mr. Cramer and his colleagues have won substantial settlements in six of these cases for a combined total of more than \$700 million: *Cardizem* settled in November 2002 for \$110 million; *Bupirone* settled in April of 2003 for \$220 million; *Relafen* settled in February 2004 for \$175 million; *In re Platinol Antitrust Litig.* settled in November 2004 for \$50 million; *In re Terazosin Hydrochloride Antitrust Litig.* settled in April 2005 for nearly \$75 million; and *In re Remeron Antitrust Litig.* settled in November 2005 for \$75 million.

In addition, Mr. Cramer was significantly responsible for winning class certification in *In re Microcrystalline Cellulose Antitrust Litigation*, No. 01-CV-111 (E.D. Pa. Aug. 13, 2003).

Mr. Cramer recently co-sponsored, and presented at, a symposium in November 2004, focusing on antitrust issues in the pharmaceutical industry, at the University of San Francisco School of Law. Several articles from the symposium were published in the Fall 2004 edition of that school's law review, including a piece co-authored by Mr. Cramer with his partner, Daniel Berger, entitled *The Superiority of Direct Proof of Monopoly Power and Anticompetitive Effects in Antitrust Cases Involving Delayed Entry of Generic Drugs*, 39 U.S.F. Law Rev. 81 (Fall 2004). Mr. Cramer has also taught several seminars on the law of class actions and expert witnesses sponsored by the National Business Institute in Philadelphia.

Mr. Cramer began his career representing victims of human radiation experimentation carried out by the federal government in conjunction with state and private actors as part of the U.S. atomic weapons program during the Cold War. He helped resolve two such cases for over \$4.7 million combined, and was principally responsible for a reversal by the Ninth Circuit Court of Appeals of a summary judgment dismissal of one of those cases on statute of limitations grounds. *See Bibeau, et al. v. Pacific Northwest Research Foundation, et al.*, 188 F.3d 1105 (9th Cir. 1999).

Mr. Cramer is also active in community affairs, specifically those involving public education. He is a co-founder, current member, and past President of the Board of Trustees of the Independence Charter School, for which he also acted as litigation counsel. After a successful appeal to the Pennsylvania Charter School Appeal Board, which granted the school a charter, Mr. Cramer secured an affirmance by the Commonwealth Court. *See School District of Philadelphia v. Independence Charter School*, 2001 Pa. Commw. LEXIS 279 (May 3, 2001). The Center City Philadelphia charter school opened its doors to nearly three-hundred elementary age school children in the Fall of 2001.

Mr. Cramer also serves on the Board of the Center for Literacy, one of largest non-profit adult literacy organizations in the country.

**Edward Millstein**

Ted Millstein is a *summa cum laude* graduate of Temple University (B.A.1988) where he was selected as a Presidential Scholar and elected to Phi Alpha Theta, and the University of Pennsylvania Law School (J.D. 1991). He is admitted to practice in Pennsylvania and New Jersey and various federal courts.

Mr. Millstein has concentrated his practice in antitrust and human rights litigation. For example, he currently represents a publicly traded company in an action alleging price fixing in the carbon fiber industry. He has also represented independent service organizations in litigation against a medical equipment manufacturer arising out of its restrictive parts and service policies. *See Red Lion Med. Safety, Inc. v. Ohmeda, Inc.*, 63 F. Supp. 2d 1218 (E.D. Cal. 1999).

During the past two years, Mr. Millstein has spent a substantial portion of his time litigating cases arising from the Holocaust. He was counsel in cases filed against 14 German industrial companies and banks arising out of the use of slave labor and the Aryanization of Jewish assets during the Holocaust. He was among a small group of American lawyers who participated in international negotiations sponsored by the Governments of the United States and Germany which resulted in the creation of a German Foundation with assets of \$5 billion which will be distributed to victims of slave labor and Aryanization, as well as other wrongs from the Nazi era. Mr. Millstein was a signatory to the Joint Statement affirming the establishment of the German Foundation. He was also one of the attorneys whose efforts were specifically referenced by Deputy Secretary of the Treasury Stuart Eizenstat in his remarks and published statements on behalf of the United States government. He is currently litigating a case against the Government of Poland arising out of the post-War campaign of murder, harassment and the discriminatory taking of property belonging to Polish Jews who survived the Holocaust.

Mr. Millstein has lectured to Holocaust survivor groups and is active in numerous charitable endeavors. He is also member of the Philadelphia Bar Association Federal Courts Committee.

**Bret Flaherty**

Bret Flaherty graduated from the University of Pennsylvania (B.A. 1989 in Economics and Political Science) and from Tulane University Law School (J.D. *cum laude* 1992). He is admitted to practice in the Commonwealth of Pennsylvania.

He specializes in complex commercial and consumer protection litigation and transactional corporate law. He was the sole associate for a claimed 10 year verbal contract case which resulted in a \$30 million recovery for the client. *See Provident American Corp. and Provident Indemnity Life Insurance Company v. The Loewen Group Inc. and Loewen Group International Inc.*, E.D. Pa., Civil Action No. 92-1964.

Lastly, Mr. Flaherty is actively involved with Asian American United, a community based organization located in Chinatown serving Philadelphia's diverse Asian communities.

**Charles P. Goodwin**

Mr. Goodwin joined Berger & Montague, following his 1992 graduation *cum laude* from the University of Pennsylvania Law School, where he was an editor of the *University of Pennsylvania Law Review*. Prior to attending law school, Mr. Goodwin graduated *cum laude* from Williams College (where he received the Graves Essay Prize in economics), and enrolled in graduate studies in economics at Stanford University. Mr. Goodwin also has engaged in commercial litigation practice in New York. With Berger & Montague, Mr. Goodwin is concentrating in antitrust and employee benefits litigation. Mr. Goodwin is admitted to practice law in the Commonwealth of Pennsylvania.

**Susan Schneider Thomas**

Susan Schneider Thomas is a graduate of Brandeis University (B.A. *magna cum laude* 1977) and Temple University School of Law (J.D. *cum laude* 1980), where she was a staff member and Associate Articles Editor of the *Temple Law Quarterly* and interned with the Hon. Edward R. Becker, then on the United States District Court for the Eastern District of Pennsylvania. She was admitted to the Pennsylvania Bar in 1980. In 1980-81, she was a law clerk to the Honorable Dolores K. Sloviter of the United States Court of Appeals for the Third Circuit. Subsequently she was an

associate at Schnader, Harrison, Segal & Lewis, Philadelphia, and Greenfield & Chimicles, in Haverford, Pennsylvania, where she was actively involved in the litigation of complex securities fraud. From 1985 to 1989 as an associate at Berger & Montague, she concentrated her practice in complex securities and derivative actions. Upon leaving the Berger firm, Ms. Thomas was a partner in the law firm of Zlotnick & Thomas from 1989 through 1995, where she had primary responsibility for the litigation of several major securities class actions including *Geist v. New Jersey Turnpike Authority*, C.A. No. 92-2377 (D.N.J.), a bond redemption case that settled for \$2.25 million; *Burstein v. Applied Extrusion Technologies*, C.A. No. 92-12166-PBS (D. Mass.), which settled for \$3.4 million. Ms. Thomas returned to the Berger firm in 1996.

#### **Robin Switzenbaum**

Robin Blumenfeld Switzenbaum is a graduate of Barnard College (B.A. *cum laude* 1976) and the University of Pennsylvania Law School (J.D. 1985). Before law school, Ms. Switzenbaum was engaged in the development of commercial and residential real estate in Pennsylvania and New Jersey. During that time, Ms. Switzenbaum served on the board of directors of the Home Owners Warranty Council for Southeastern Pennsylvania and the Home Builders Association for Montgomery and Bucks Counties. Before becoming Of Counsel to the Berger firm in October, 1989, Ms. Switzenbaum was an associate with the Philadelphia firm of Saul, Ewing, Remick & Saul specializing in real estate, bankruptcy and zoning matters. Since joining the Berger firm, Ms. Switzenbaum has concentrated in complex civil and securities litigation. Ms. Switzenbaum has been a shareholder of the firm since 2002. Ms. Switzenbaum has been involved in several securities class actions involving major banking institutions including *In re Northeast Bancorp*, Case No. N-90-24 (D. Conn) (\$4.9 million settlement), *In re Chase Manhattan Bank*, Case No. 90 Civ. 6092 (S.D.N.Y. 1992) (\$17.5 million settlement), and *In re Midlantic*, Case No. 90-1275 (D.N.J.) (\$9 million settlement). More recently, Ms. Switzenbaum was part of the litigation team in *In re Rite Aid Securities Litigation*, MDL 1360 (E.D. Pa.) (\$334 million settlement) and *In re Sunbeam Securities Litigation*, 98-8258-Civ-Middlebrooks (S.D. Fla.) (\$142 million settlement). In addition, Ms. Switzenbaum served as one of the co-lead counsel in *In re ShopKo Stores, Inc. Securities Litigation*, Case No. 01-C-1034 (E.D. Wis.) (\$4.9 million settlement). Currently, Ms. Switzenbaum represents a class of holders of a publicly traded common stock who were denied their preemptive rights, *Korman v. InKine Pharmaceutical*, Case No. 04341 (CCP, Phila. County), and two trustees of liquidating trusts bringing actions against officers and directors of insolvent companies. Ms. Switzenbaum is a member of the bar in Pennsylvania, New Jersey, Florida, and California and an



arbitrator with the New York Stock Exchange. Ms. Switzenbaum also serves as a volunteer guide at the Philadelphia Museum of Art and on the advocates board of the Mural Arts Program, chairing the Fundraising Committee.



**OUR ASSOCIATES:**

**Russell D. Paul**

Russell D. Paul joined Berger & Montague, P.C. in 2006, and concentrates on securities class actions, complex securities litigation matters and derivative suits. Prior to joining Berger & Montague, Mr. Paul was with the firm of Grant & Eisenhofer P.A. in Wilmington, Delaware. Mr. Paul began his legal career in the New York office of Skadden, Arps, Slate, Meagher & Flom, L.L.P.

Mr. Paul has litigated securities class actions against Tyco International Ltd., Baxter Healthcare Corp., ALSTOM S.A., Able Laboratories, Inc., Refco Inc., and Federal National Mortgage Association (Fannie Mae). He has also litigated derivative actions in various state courts around the country, including in the Delaware Court of Chancery. He has briefed and argued federal appeals, including arguing before Judges Posner and Easterbrook of the Seventh Circuit. In addition to securities litigation, he has broad corporate law experience, including mergers and acquisitions, venture capital financing, proxy contests and general corporate matters.

Mr. Paul graduated from the Columbia University School of Law in 1989, where he was a Harlen Fiske Stone Scholar and a member of the Moot Court Board. In 1986, Mr. Paul received a dual degree from the University of Pennsylvania, a B.S. in Economics with a concentration in finance, *magna cum laude* from the Wharton School, and a B.A. in American History, *magna cum laude* from the College of Arts and Sciences.

Mr. Paul is admitted to the bar in the states of Delaware, New Jersey, Pennsylvania, and New York.

**Elizabeth W. Fox**

Elizabeth Williams Fox is a graduate of Bryn Mawr College (B.A., *cum laude*, with honors in Anthropology 1963) and the University of Pennsylvania (M.S. in Education 1972; J.D. 1980). Before attending law school, Ms. Fox taught history and social studies at the Baldwin School where she became Head of the History Department. After law school, Ms. Fox joined Ballard,

Spahr, Andrews & Ingersoll as an associate where she practiced employment law and general commercial litigation. In 1985, she joined Hoyle, Morris & Kerr where she specialized in toxic torts and insurance coverage litigation, first as an associate and later as a partner. She joined Berger & Montague in July 2001 where she concentrates in securities litigation.

**Sheryl Saltzberg Levy**

Sheryl S. Levy has been an associate at the firm since March, 1988. She received a Bachelor of Arts degree (*cum laude*) from the University of Pennsylvania in 1984, and a Juris Doctorate degree at the National Law Center of George Washington University in 1987 (*cum laude*). While attending law school, Ms. Levy served as an editor of the *George Washington Journal of International Law and Economics*. Prior to joining Berger & Montague, Ms. Levy was associated with the Philadelphia firm of Pechner, Dorfman, Wolffe, Rounick & Cabot. Ms. Levy has worked on a variety of complex litigation matters, primarily in the areas of commercial and mass tort litigation. She is admitted to practice law in Pennsylvania.

**Neil F. Mara**

Neil F. Mara is a graduate of the College of the Holy Cross (B.A. 1987) and the University of Connecticut (J.D. 1991) where he was a member of the executive board of the Moot Court Honor Society. Mr. Mara was an Assistant District Attorney in Philadelphia, Pennsylvania, from 1991-1997. He was also a Special Assistant United States Attorney for the Eastern District of Pennsylvania, 1996-1997, where he prosecuted large narcotics organizations. Since joining the Berger firm, he has concentrated on environmental litigation and securities litigation. Mr. Mara is admitted to practice law in Connecticut, Pennsylvania, and various federal courts.

**Peter Russell Kohn**

Peter Kohn is a 1989 graduate of the University of Pennsylvania (B.A., English) and a 1992 *cum laude* graduate of Temple University Law School, where he was senior staff for the *Temple Law Review* and recipient of awards for trial advocacy. Prior to joining the firm in July of 2000, Mr. Kohn defended products liability, toxic and mass tort cases on behalf of insureds and self-insureds at LaBrum & Doak (1992-1994) and prosecuted toxic tort, civil rights, class, and MDL actions at Monheit, Monheit, Silverman & Fodera (1994-2000), where he specialized in lead-

based paint-related litigation. He is a member of the bars of the Supreme Court of Pennsylvania (1992-present), the United States District Court for the Eastern District of Pennsylvania (1995-present), and the United States Court of Appeals for the Third Circuit (2000-present), as well as of the Association of Trial Lawyers of America and Trial Lawyers for Public Justice. Mr. Kohn is an member of the legal advisory board for Quackwatch, an affiliate of the National Council for Reliable Health Information.

#### **Ellen T. Noteware**

Ms. Noteware earned her undergraduate degree from Cornell University (B.S. 1989) and graduated first in her class from the University of Wisconsin Law School (J.D. 1993) where she served as Associate Editor of the Wisconsin Law Review.

Following graduation, Ms. Noteware clerked for the Honorable J. Calvitt Clarke, Jr. in the United States District Court for the Eastern District of Virginia. Prior to joining Berger & Montague, Ms. Noteware handled complex commercial litigation, products liability, employment law, ERISA and trade secret disputes as an associate at Arnold & Porter in Washington, D.C. and at Morgan, Lewis & Bockius in Philadelphia. Ms. Noteware continues to handle complex litigation and class action matters as a member of Berger & Montague's Antitrust Department.

#### **Phyllis Maza Parker**

Phyllis Maza Parker is a graduate of Yeshiva University (B.A. *cum laude* 1969), Columbia University (M.A. French Literature 1971), Boston University, Brussels Belgium (M.S. in Management), and Temple University School of Law (J.D. *cum laude* 1995), where she was a member of the *Temple Law Review* and published a Note on the subject of the Federal Sentencing Guidelines. After her first year of law school, Ms. Parker interned with the Honorable Dolores K. Sloviter of the United States Court of Appeals for the Third Circuit. Following graduation from law school, Ms. Parker served as law clerk to the Honorable Murray C. Goldman of the Court of Common Pleas in Philadelphia, Pennsylvania. Since joining the Berger firm in September, 1996, Ms. Parker has been involved in various complex class action litigations, focusing primarily on securities class action litigation. She is admitted to practice in Pennsylvania and New Jersey as well as the Eastern District of Pennsylvania.

**Glen L. Abramson**

Glen L. Abramson is a graduate of Cornell University (B.A. *with distinction* 1993), where he was a member of Phi Beta Kappa, and the Harvard Law School (J.D. *cum laude* 1996), where he was a member of the Harvard Legal Aid Bureau.

Upon graduation from law school, Mr. Abramson was an associate at Dechert, Price & Rhoads in Philadelphia, where he handled complex commercial litigation, product liability, intellectual property and civil rights disputes. Prior to joining Berger & Montague, P.C. in 2003, Mr. Abramson spent three years as a professional equities trader.

Mr. Abramson is admitted to practice law in Pennsylvania and New Jersey. He concentrates his practice in the area of complex securities class action litigation.

**Lane L. Vines**

Lane L. Vines is a graduate of the University of Wisconsin-Madison (B.B.A.-Accounting, Graduated with Distinction, 1988) and Villanova University School of Law (J.D. 1997). During law school, Mr. Vines was a member of the *Villanova Law Review* and served as a Managing Editor of *Outside Works*. Prior to joining the Berger firm, Mr. Vines was a law clerk for the Honorable James R. Melinson, Chief U.S. Magistrate Judge for the Eastern District of Pennsylvania. He is admitted to practice in Pennsylvania and New Jersey, as well as several federal courts including the Supreme Court of the United States. He is a member of the Villanova Law J. Williard O'Brien American Inn of Court. Mr. Vines joined the Berger firm in 1999 and concentrates his practice in the area of securities and complex commercial litigation.

**Michael C. Dell'Angelo**

Michael C. Dell'Angelo graduated from Connecticut College (B.A. 1994) and The Catholic University of America, Columbus School of Law (J.D. 1997). At the Columbus School of Law he was a member of the Moot Court Honor Society and Phi Delta Phi.

At Berger & Montague, Mr. Dell'Angelo specializes in antitrust, securities and complex litigation. Mr. Dell'Angelo currently serves as the Third Circuit Editor of the *American Bar*

Association's quarterly publication, "Class Action and Derivative Suits." He is a member of the Philadelphia and American Bar Associations.

Prior to joining Berger & Montague, Mr. Dell'Angelo was an associate at Miller Faucher and Cafferty LLP, where he concentrated in antitrust, securities, and complex commercial litigation. In his capacity at Miller Faucher, Mr. Dell'Angelo also practiced before the Federal Trade Commission. He also devoted a substantial portion of his practice to the prosecution of numerous class action lawsuits on behalf of survivors of slave labor during the Holocaust. These suits, against German companies, resulted in a \$5.2 billion German Foundation to pay Nazi-era claims.

Mr. Dell'Angelo's *pro bono* work includes the representation of an Alabama death row inmate. That representation resulted in a reversal of the client's sentencing by the Sixth Circuit and a grant of a writ of habeas corpus vacating the client's death sentence.

#### **Douglas M. Risen**

Douglas Risen graduated from Penn State University (B.A. *magna cum laude* 1994) and from the University of Pennsylvania Law School (J.D. 1997). He is admitted to practice in Pennsylvania. Prior to joining the firm, Mr. Risen traded equities via the Philadelphia Stock Exchange. Mr. Risen joined the Berger firm in November, 1998 and practices in the complex securities class action litigation area.

#### **Neill W. Clark**

Neill W. Clark graduated *cum laude* from Appalachian State University in 1994 (B.A.) and from Temple University School of Law in 1998 (J.D.), where he earned seven "distinguished class performance" awards, an oral advocacy award and a "best paper" award. After graduating from law school, he clerked for Judge Stephen E. Levin, who handled pre-trial proceedings in all class actions filed in the Court of Common Pleas, Philadelphia County.

Since joining the firm in 1999, Mr. Clark has been significantly involved in prosecuting antitrust class actions on behalf of direct purchasers of brand name drugs and charging pharmaceutical manufacturers with illegally blocking the market entry of less expensive competitors.

Six of those cases have resulted in substantial settlements totaling over \$700 million: *In re Cardizem CD Antitrust Litig.* settled in November 2002 for 110 million; *In re Buspirone Antitrust Litig.* settled in April 2003 for 220 million; *In re Relafen Antitrust Litig.* settled in February 2004 for \$175 million; *In re Platinol Antitrust Litig.* settled in November 2004 for \$50 million; *In re Terazosin Antitrust Litig.* settled in April 2005 for \$75 million; and *In re Remeron Antitrust Litig.* settled in November 2005 for \$75 million.

Mr. Clark was selected as a "Rising Star" by Pennsylvania Super Lawyers and listed as one of the Top Young Lawyers in Pennsylvania in the December 2005 edition of Philadelphia Magazine.

An avid runner, Mr. Clark has won the Lawyer's Division of the annual Philadelphia Bar Association race seven consecutive times.

#### **Joy P. Clairmont**

Joy P. Clairmont received her B.A. cum laude in international affairs from George Washington University in 1995, and her J.D. from George Washington University Law School in 1998. As a member of the Environmental Lawyer, Ms. Clairmont served as a managing editor and published a Note on the transfrontier movement of hazardous waste. After graduating from law school, she clerked for the Honorable Richard J. Hodgson of the Montgomery County Court of Common Pleas. Since joining Berger & Montague in April 2000, she has concentrated her practice on complex securities class action litigation.

#### **David A. Langer**

David A. Langer is a graduate of Haverford College (B.A. 1991) and Vermont Law School (J.D. cum laude 1999). While in law school, Mr. Langer was a member of the *Vermont Law Review* and also served as a Managing Editor. He was admitted to the Pennsylvania Bar in 1999. Mr. Langer became associated with Berger & Montague in September 1999 and practices in the antitrust complex litigation area.

**Shanon J. Carson**

Shanon J. Carson is a graduate of the Indiana University of Pennsylvania (B.A. *cum laude* 1996 - Criminology) and the Dickinson School of Law of the Pennsylvania State University (J.D. 2000). While in law school, Mr. Carson was Senior Editor of the Dickinson Law Review, and also served as a law clerk for the Honorable William W. Caldwell, Senior Judge, United States District Court, Middle District of Pennsylvania. Since joining Berger & Montague in August of 2000, Mr. Carson has concentrated his practice in the areas of employment discrimination, civil rights, products liability and other commercial litigation, and complex class action litigation. Mr. Carson is admitted to practice in the Commonwealth of Pennsylvania.

**Casey M. Preston**

Mr. Preston is a graduate of the Citadel (B.S. 1995) and the Villanova University School of Law (J.D. 2000). Upon graduation from law school, Mr. Preston served as a law clerk for the Honorable William J. Nealon of the United States District Court for the Middle District of Pennsylvania as well as for the Honorable Terrance R. Nelson of the Lackawanna County Court of Common Pleas. Mr. Preston joined Berger & Montague in July 2002 and practices in the complex securities class action litigation area. Mr. Preston is admitted to practice law in Pennsylvania.

**Daniel Simons**

Mr. Simons is a member of Berger & Montague's Antitrust Department. He received a Bachelor of Arts in Political Science, magna cum laude, from Yeshiva University in 1997. In addition to winning the Political Science departmental award two years running, Mr. Simons also garnered three awards for scholastics and student leadership upon graduation.

He earned his J.D. with honors, at Temple Law School in May, 2000, where he headed three student groups, served on Temple Law Review, and interned in the Health Care Fraud Unit of the United States Attorney's Office. Following graduation, he clerked for the Honorable Berle M. Schiller of the Eastern District of Pennsylvania. He has also served as a volunteer in the Philadelphia Reads Program.

Mr. Simons is admitted to practice in Pennsylvania and New Jersey, as well as in the United States District Courts for the Eastern District of Pennsylvania and for the District of New Jersey. He is a member of the American Bar Association and its Antitrust Section.

**Candace Enders**

Candace Enders is a member of Berger & Montague's antitrust department. She received a B.A. in political science from the University of Delaware in 2000 and earned her J.D. from the University of Pennsylvania in 2003.

While in law school, Ms. Enders served as a senior editor on the Journal of Labor and Employment Law, volunteered as a legal advocate at the Custody and Support Assistance Clinic, and interned at Philadelphia City Council.

**Jon J. Lambiras**

Jon J. Lambiras is a graduate of Pepperdine University School of Law (J.D. 2003), and Bryant College (B.S. in Accounting, cum laude 1996). While in law school, Mr. Lambiras was a Lead Articles Editor for the Pepperdine Law Review. He has published articles entitled *White-Collar Crime: Why the Sentencing Disparity Despite Uniform Guidelines?*, 30 PEPP. L. REV. 459 (2003) (named "Student Article of the Year" by the Pepperdine Law Review), and *Inside Job: A Guide to Insider Trading*, 17 THE WHITE PAPER 23 (July/Aug. 2003).

Mr. Lambiras is also a Certified Public Accountant and Certified Fraud Examiner. Prior to law school, he practiced accounting for four years as an auditor of public and private corporations.

Since joining Berger & Montague in September 2003, Mr. Lambiras has practiced primarily in the area of securities class action litigation.

**Shoshana Savett**

Shoshana Savett received a B.A. from the University of Pennsylvania in 1999. She graduated from Temple Law School in 2003 and is admitted to practice law in Pennsylvania. Ms. Savett is an associate in the securities department.



**Jill I. Freeman**

Jill Freeman received a B.A. from the University of Pittsburgh in 1996 and graduated from Widener University School of Law in 2000. Prior to joining Berger & Montague in 2005, Ms. Freeman practiced immigration law. During law school, Ms. Freeman worked for HIAS and Council Migration Services of Philadelphia, the Nationality Service Center, and clerked for the late Honorable Judge Joseph F. Battle in the Delaware County Courthouse in Media, PA.

Ms. Freeman is admitted to practice law in Pennsylvania and New Jersey.

**OF COUNSEL:****Carey R. D'Avino**

Mr. D'Avino is of counsel to Berger & Montague, P.C. in Philadelphia. He has practiced in the field of international law for more than 20 years and his practice is currently concentrated in international human rights class action litigation. He received a B.A., with honors, from Colgate University and his J.D., with honors, from Emory University Law School, where he served as an Editor, Emory Law Journal. He is the inaugural John Henry Hobart Fellow in Ethics and Social Justice at Hobart and William Smith Colleges and he is a member of the Board of Directors of the American Anti-Slavery Group, a Boston based human rights foundation dedicated to the eradication of slavery and forced labor around the world.

Mr. D'Avino is a member of the Bar in New York State and the United States Virgin Islands. He is admitted to practice law in the United States District Court for the Eastern District of New York, the United States District Court for the Southern District of New York, the Virgin Islands District Court, the United States Court of Appeals for the Third Circuit, and the United States Court of Appeals for the Second Circuit.

He served as class counsel in each of the following Holocaust related class actions: *In re Holocaust Victims Assets Litigation*, No. 96 CV 4849; *Helene Pollack, et al., v. Siemens A.G. et al.*, No. 98 CV 5489; *Marta Cornell, et. al. v. Assicurazioni Generali S.p.a., et. al.*, No. 97 CV 2262; *Watman et. al. v. Deutsche Bank, Dresdner Bank, Creditanstalt, et al.*, No. 98 CV 9186; *Burger-Fisher, et. al. v. Degussa*, No. 98 CV 3958; *Jack Bressler et. al. v. Phillip Holzmann AG, et. al.*, No. 98 CV 6335; *Anna Gutwillig, et. al. v. Steyer-Daimler-Pusch A.G.*, 98 CV 6336 and *Kluge, et al. v. Raiffeisen Zentral, et, al.*, 00 CV 2851. He is an individual signatory of the German and Austrian Holocaust settlement agreements including the Joint Statement establishing the terms of the German Foundation "Remembrance, Responsibility and Future" executed on July 17, 2000, the Joint Statement establishing the terms of the Austrian Fund "Reconciliation, Peace and Cooperation" executed on October 24, 2000, and the Joint Statement establishing the terms of the "Austrian General Settlement Fund", on January 17, 2001.

The international human rights matters currently being handled by Mr. D'Avino include cases against:

(a) Talisman Energy, Inc. and The Republic of Sudan for genocide complicity in Southern Sudan, *Presbyterian Church of Sudan v. Talisman Energy, Inc. and The Republic of Sudan*, 2003 U.S. Dist. Lexis 4085 (S.D.N.Y. March 19, 2003) (denying motion to dismiss);

(b) Royal Dutch/Shell for complicity in human rights violations in the Niger Delta against the Ogoni people, *Kiobel, et al. v. Royal Dutch Petroleum Co. and Shell Transport and Trading p.l.c.*, 02-CV-7618 (S.D.N.Y.); and

© Bayer AG and Schering AG for participation in the chemical sterilization of a concentration camp inmate. *Rozenkier v. Bayer*, No. 03-CV-1422 (E.D.N.Y.)

**Jay Robert Stiefel**

Jay Robert Stiefel studied History at the University of Pennsylvania (B.A. with Distinction 1968, General Honors Program, Dean's List) and as a graduate student at Oxford University (Christ Church, 1968-69), where he was elected Chairman of the Graduate Common Room, chaired the Shakespeare at Stratford program and was a member of the Christ Church and Oxford University Boat Clubs. His International Relations degree from the University of Pennsylvania (M.A. 1971) was pursuant to an interdisciplinary program including courses in International Law at the Law School and Economics at the Wharton School of Business. He was elected a member of the Executive Committee of the International Relations Program of the Graduate School of Arts & Sciences (1970-71).

Mr. Stiefel worked at the British House of Commons as a member of the Conservative Parliamentary Power Committee's Subcommittee on Amendments, chaired by Sir John Eden, Bt., and as Parliamentary Personal Assistant to Sir Peter F.H.P. Emery, P.C. (1969-70). Other residencies and work abroad, and nineteen years of linguistic studies, including at the Universités de Bordeaux et de la Toulouse (French, Certificat d'Assiduité 1965), have made Mr. Stiefel conversant in foreign languages, customs and practices. He was one of two U.S. Delegates to the International Conference on the U.S. Bicentennial, Philadelphia (1970).

Mr. Stiefel graduated from the Dickinson School of Law (J.D. 1974) where he was an editor of the Dickinson Law Review and a member of the Appellate Moot Court Board and of the Legal Aid Society. He completed programs on Public and Private International Law at the Hague Academy of International Law, The Netherlands, where he served as U.S. Embassy Liaison

(1972); and on the British legal system at Emmanuel College, Cambridge University (1997, 1998). He has lectured on law at Temple University and authored law review articles on International and Constitutional Law. For his paper, "The Rights of the Accused Before Trial," delivered at Oxford University (1977), Mr. Stiefel was awarded le Prix des Anciens Presidents, the top prize of the Association Internationale des Jeunes Avocats (Young Lawyers International Association), a bar association whose U.S. operations he was elected to head (1978). He received the Outstanding Service Award of the Young Lawyers' Section of the Philadelphia Bar Association for his service on its Executive Committee (1981). He has also served on the PBA's Committees on International Law, Services to the Spanish-speaking Community, the Federal Courts and Lawyers for the Arts.

Mr. Stiefel has played a lead or principal role in complex securities actions throughout the country, in which many legal precedents were established and significant monetary and remedial benefits achieved. These include, among others, *Employee Solutions Securities Litigation*, Master File No. Civ-97-545-PHX-RGS (OMP) (D. Ariz.) (class settlement of in excess of \$15 million); *Rospatch Corporation Securities Litigation*, Case No. 1:90-CV-806 et al. (W.D. Mich.) (class settlement of in excess of \$6.5 million); *Long Island Lighting Company Securities Litigation*, 84-CIV-0588 (LDW) (E.D.N.Y.) (class settlement of in excess of \$48.5 million); *Washington Public Power Supply System Securities Litigation*, M.D.L. 551 (W.D. Wash) (class settlements of over \$700 million); *Charal v. Andes (re The Franklin Mint)*, C.A. Nos. 77-1725 and 78-1610 (E.D. Pa.) (\$6 million class settlement); *Dura-Bilt Corporation v. Chase Manhattan Corp.*, 79 Civ. 4666, 71 Civ. 3800 (S.D.N.Y.); *Berman v. HNC Mortgage & Realty Investors*, C.A. No. B78-111 (D.Conn.); *AM International, Inc. Securities Litigation*, M.D.L. No. 494 (S.D.N.Y.) (class settlements of cash and warrants valued at approximately \$20 million); *Cincinnati Gas & Electric Company Securities Litigation*, Master File No. C-1-83-1721 (S.D. Ohio) (class settlement of \$13.9 million); *Consumers Power Company Securities Litigation*, Civ. Act. No. 83-CV-6448 AA(E.D. Mich); *Oak Industries Securities Litigation*, No. 83-0537-G(M) (S.D. Cal.) (class settlement of in excess of \$33 million); *Lundy v. Interfirst Corporation*, No. 3-84-0952H (N.D. Tex.) (class settlement of \$6.7 million); and *Council on Social Work Education, Inc., et al. v. Texas Instruments Inc., et al.*, C.A. No. CA-83-1083-H (N.D. Tex.) (class settlement of \$12 million).

Mr. Stiefel has been a board member of various cultural and civic organizations in Philadelphia, including the Philadelphia Chamber Orchestra, Historic Rittenhouse, Inc., the Oxford &

Cambridge Society, which he co-founded, and the Center City Residents' Association, chairing its Celebration of Center City Living (1995). He is also a shareholder of the Library Company of Philadelphia and serves on the Advisory Board of the American Philosophical Society Library. He is a member of the Numismatic & Antiquarian Society of Philadelphia. Mr. Stiefel's philanthropic interests include Independence Hall National Historical Park and various university museums and libraries, for which he was inducted into the De La Salle Society (2001). His sports are squash, tennis, and hiking. He is a member of the Philadelphia Club.

Mr. Stiefel is also an historian of early American commerce and the decorative arts. He has lectured at Winterthur Museum, the American Philosophical Society, Oxford University, the American Museum in Britain, and also before the Decorative Arts Trust, The Washington Decorative Arts Forum, and the Alexandria Association, among other venues. Mr. Stiefel serves on the Advisory Committee of the Delaware Antiques Show for Winterthur (1998-present). He has been admitted to various educational programs of the Attingham Trust in Great Britain and elsewhere (Summer School, 1996; and several Study Weeks since). Mr. Stiefel's "Philadelphia Cabinetmaking and Commerce, 1718-1753: the Account Book of John Head, Joiner" and "The Head Account Book as Artifact" inaugurated the American Philosophical Society's online historical journal, the *Library Bulletin*, vol. 1, no. 1, new series (Winter 2001); and were the subject of two feature articles: Lita Solis-Cohen, "Account Book Becomes Rosetta Stone for Philadelphia Furniture," *Maine Antiques Digest* (April 2001), and "The Cabinetmaker's Account," *Masterpiece* (June 2001). Mr. Stiefel's articles on Philadelphia's colonial craftsmen have appeared in various publications, including the *Bulletin of the Pewter Collectors' Club of America* (Winter 2002); the *Catalogue of Antiques and Fine Art* (Spring 2003 and 2004) and the *Magazine Antiques* (August 2006).

Mr. Stiefel is admitted to practice in the Commonwealth of Pennsylvania and before other federal courts throughout the country.

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### **Koskoff, Koskoff & Bieder, P.C.**

Koskoff, Koskoff & Bieder, P.C. was founded by a former president of the Association of Trial Lawyers of America, Theodore I. Koskoff. The firm represents clients and their families in personal injury and wrongful death cases arising from medical and professional malpractice, aviation and vehicular accidents, products liability, premises liability, civil rights and other acts of negligence. Several of the firm's partners are listed in "Best Lawyers in America" and are frequent lecturers on trial advocacy. The firm frequently takes a lead position in emerging areas of law.

Koskoff, Koskoff & Bieder, P.C. is a firm of seventeen lawyers principally engaged in litigation, concentrating in trial and appellate work in a broad range of cases, including civil rights, securities, medical malpractice, personal injury, product liability and all matters of complex litigation. KK&B has been involved in many complex class action cases either as lead counsel for the class, members of the executive committee, or in other key roles. KK&B and its members have served as class liaison and class action counsel in numerous federal court class actions, including but not limited to: Poddar v. State Bank of India, 98 Civ. 1691 (S.D.N.Y.); Benisch v. U.S. Surgical Corp., 3-93-CV-768 (D. Conn.) (AHN), In Re First Constitution Shareholders Litigation, 3-90-CV-1U (D. Conn.) (JAC), In Re Perrier Bottled Water Litigation, MDL 844 (TFGD), Guttman v. Clabir, B-87-653 (D. Conn.) (WWE), Hwang v. Smith Corona Corporation, B-89-450(D. Conn.) (TFGD), In Re Boardwalk Marketplace Securities Litigation, MDL 712, In Re United States Surgical Corporation, B-83-775 (D. Conn.) (PCD), Garfkel v. Memory Metals, B-86-488 (D. Conn.) (WWE), Rosenwald v. Emhart Corp., B-86-479 (D. Conn.) (TFGD) and Kallus v. General Hosp., B-87-160 (D. Conn.) (TFGD).

The attorneys primarily responsible for the firm's representation in class actions are Richard A. Bieder, a senior shareholder of firm, William Bloss, a member of the firm, Neal A. DeYoung, a member of the firm, and Sean McElligott, an associate of the firm.

Richard Bieder has been appointed lead class counsel for actions pending in both the Connecticut Superior Court and the United States District Court for the District of Connecticut for all of the victims in the tragic L'Ambiance Plaza Building Collapse case. Mr. Bieder was also appointed (by the Connecticut Superior Court judge presiding over the matter) lead class counsel for all defrauded noteholders in Connecticut's 1992 consolidated federal and state class actions known as In re Colonial Realty Related Actions. From 2002 through 2004, Richard Bieder was President of Trial Lawyers Care, an international organization of lawyers who represented families of the victims of September 11, 2001 in connection with the Victim Compensation Fund program. Mr. Bieder is a member of and has held numerous executive positions with both the Connecticut Trial Lawyers Association and the Association of Trial Lawyers of America.

Mr. Bloss specializes in significant personal injury cases as well as complex civil and criminal litigation in both state and federal courts. Mr. Bloss has recently represented Common Cause and Connecticut Citizen Action Group in federal litigation that led to the overhaul of the state primary election system. He is listed in Best Lawyers in America for both personal injury and criminal defense and has lectured extensively on federal, civil and criminal practice. He served as both Special Master and arbitrator in state and federal courts and has argued cases before the U. S. Court of Appeals for the Second Circuit, the Connecticut Supreme Court, and the Connecticut Appellate Court.

Neal DeYoung has been involved in the prosecution of securities and investment-related group and class actions for approximately the past 15 years. Mr. DeYoung was the primary attorney involved, on behalf of the plaintiffs, in the granting of class certification in the securities class action entitled Fogarazzo v. Lehman Bros., 2005 U.S. Dist. LEXIS 15570 (S.D.N.Y. July 27, 2005) and the recently certified plaintiff class in Poddar v. State Bank of India, 98 Civ. 1691 (S.D.N.Y.). Mr. DeYoung co-chaired for plaintiffs the trial in the federal court group action of Morin v. Trupin (S.D.N.Y. 1993) and, in addition to his involvement in numerous other federal court class actions, was significantly involved in the following federal court class actions: In re Drexel Burnham Lambert Group, 960 F.2d 286 (2d Cir. 1992), In re Blech Securities Litigation, 2003 U.S. Dist. LEXIS 4650 (S.D.N.Y. 2003) and In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation, 06-MD-1720 (JG) (E.D.N.Y. 2006).



Sean McElligott is an experienced litigator with emphasis on complex litigation, class actions, civil rights and antitrust. McElligott previously practiced in New York, where he was a key attorney in several antitrust class actions against the nation's largest companies in the pharmaceutical and banking sectors. Mr. McElligott maintains an active *pro bono* practice and received in 2004 a Commitment to Justice Award for extraordinary service from inMotion, an organization that provides free legal services to low-income women and children. He received his Bachelor's degree from Trinity College in Hartford, majoring in philosophy, where he was appointed by the faculty to the Writing Associates Program. He received a Juris Doctorate from Yale Law School